of Steam Vessels, of St. Louis, Mo., offering amendments to the Revised Statutes, etc.—to the Committee on the Judiciary.

Also, letter of R. W. Pratt, of St. Louis, Mo., relating to registration of checks, etc.—to the Committee on Patents.

Also, letter of John Weisert, tobacco manufacturer, urging the passage of the Otjen bill—to the Committee on the Judiciary.

Also, letter of Ernest Mueller, relating to damage done by the Missouri River to farming lands—to the Committee on Levees and Improvements of the Mississippi River.

Also, resolution of the Business Men's League of St. Louis, favoring the passage of the Lodge bill, relating to the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petition of the Laborers' Protective Union, No. 10998, of the American Federation of Labor, of St. Louis, Mo., favoring the passage of an eight-hour law and anti-injunction bill—to the Committee on Labor.

Also, petition of the Harris Shoe Company, of St. Louis, Mo., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Harry P. Harding Post, No. 107, Grand Army of the Republic, of St. Louis, Department of Missouri, favoring the passage of a bill to restore the canteen for the Army—to the Committee on Military Affairs.

Also, a resolution of the Southwestern Lumbermen's Association, recommending an amendment to Senate bill 1261, relating to denying the use of the mails to certain literature—to the Committee on the Post-Office and Post-Roads.

By Mr. BENTON: Petition of John A. Rollins Post, No. 387, Grand Army of the Republic, Pierce City; Tiff City Post, No. 416, Grand Army of the Republic, Tiff City; Marionville Post, No. 141, Grand Army of the Republic; W. H. L. Wallace Post, No. 177, Grand Army of the Republic, Moundville, and O. P. Morton Post, No. 14, Grand Army of the Republic, Joplin, favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Papers to accompany bill (H. R. 5824) granting an increase of pension to Caspar J. Scheer—to the Committee on Invalid Pensions.

By Mr. BISHOP: Resolution of Henry Dobson Post, No. 182, Grand Army of the Republic, Fremont, Department of Michigan, favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BURKETT: Paper to accompany bill to pension Maggie Du Bois—to the Committee on Invalid Pensions.

By Mr. CALDWELL: Petition of citizens of New Berlin and Irving, Ill., protesting against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CAMPBELL: Resolution of Eldred Post, No. 174, Grand Army of the Republic, Medicine Lodge, Kans., favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, recommendations of S. M. McCowan, superintendent of Chilocco Agricultural College, Chilocco, Okla.—to the Committee on Indian Affairs.

Also, resolution of the Southwestern Lumberman's Association, relating to an amendment to Senate bill 1261—to the Committee on the Post-Office and Post-Roads.

By Mr. CANDLER: Papers to accompany bill granting an increase of pension to James M. Dickey—to the Committee on Invalid Pensions.

By Mr. DANIELS: Papers to accompany bill to increase pension of George W. Gygep—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolution of New York State Pharmaceutal Association, favoring the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolution of the Rochester (N. Y.) Chamber of Commerce, urging the cooperation of the Federal Government with the State of New York to deepen Erie Canal to 21 feet—to the Committee on Rivers and Harbors.

By Mr. FULLER: Papers to accompany bill granting a pension to Thomas Springer—to the Committee on Invalid Pensions.

Also, petition of citizens of Winnebago, Ill., protesting against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Sunday school editors and publishing societies against increase of postal rates on Sunday-school periodicals—to the Committee on the Post-Office and Post-Roads.

Also, resolution of T. S. Gerry Post, No. 463, Grand Army of the Republic, Shabbona, Department of Illinois, favoring passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. HAY: Paper to accompany bill for relief of Philip Strickler—to the Committee on War Claims.

By Mr. HILDEBRANT (by request): Resolution of Carr B. White Post, No. 232, Grand Army of the Republic, of Georgetown, Department of Ohio, protesting against the placing of a statue of General Lee in Statuary Hall—to the Committee on the Library.

By Mr. KLINE: Resolution of Emil Zola Lodge, No. 186, of Allentown, Pa., relative to immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Charles A. Gerash Council, No. 1004, Junior Order of United American Mechanics, against existing immigration laws—to the Committee on Immigration and Naturalization.

By Mr. MARSHALL: Resolutions of Sykeston Prohibition Alliance, No. 18, and the Christian Endeavor Society of Southeastern Wells County, of North Dakota, favoring the passage of the Hepburn bill relating to liquor traffic—to the Committee on the Judiciary.

By Mr. MIERS of Indiana: Papers to accompany bill granting increase of pension to James A. Harper—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to James P. Wallace—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting increase of pension to John G. Parker—to the Committee on Invalid Pensions.

Also, paper to accompany bill granting a pension to Peter Fillion—to the Committee on Invalid Pensions.

By Mr. PEARRE: Petition of Adam Ault, of Washington County, Md., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Jacob Snyder, of Frederick County, Md., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Caroline E. Keller, deceased, late of Frederick County, Md., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RYAN: Resolution of the National Association of Agricultural Implement and Vehicle Manufacturers, favoring the appointment by the President of a permanent nonpartisan tariff commission—to the Committee on Ways and Means.

Also, resolution of the National Association of Agricultural Implement and Vehicle Manufacturers relating to irrigation—to the Committee on Irrigation of Arid Lands.

Also, resolution of the board of trustees of the Sanitary District of Chicago, Ill., favoring a waterway from the Great Lakes to the Mississippi—to the Committee on Rivers and Harbors.

By Mr. SHULL: Papers to accompany bill (H. R. 6089) granting increase of pension to Emma Louisa Nagle—to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 6085) granting a pension to Anna M. Moyer—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Resolution of First Ward Citizens' Association of St. Paul, Minn., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Custer Post, No. 44, Grand Army of the Republic, Rochester, Department of Minnesota, favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

Also, resolution of E. B. Gibbs Post, No. 76, Grand Army of the Republic, White Bear, Department of Minnesota, favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Petition of H. L. Bozeman and others, of Carmi, Ill., protesting against the sale of liquor at Soldiers' Homes and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ZENOR: Papers to accompany bill to pension David Melton—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *December 9, 1903.*

Prayer by Rev. ERVIN S. CHAPMAN, D. D., LL. D., of Los Angeles, Cal.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FAIRBANKS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

INDIAN DEPREDATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, pursuant to law, a list of judgments rendered in favor of claimants against the United States and defendant Indian tribes not heretofore appropriated for; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented petitions of sundry citizens of Wolcott, of the Woman's Christian Temperance Union of Ellicottville, of the Portia Club of New York City, of the Woman's Missionary Society of the Fourth Presbyterian Church of Albany,

of the congregation of the Presbyterian Church of Brookhaven, of the Board of Home Missions of Stony Brook, of the Woman's Christian Temperance Union of Cato, of the Missionary Society of the Presbyterian Church of Cato, and of the congregation of the Church of Christ of Cato, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FAIRBANKS presented a petition of the congregation of the United Presbyterian Church of Salem, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the United Presbyterian Church of Salem, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the congregation of the Baptist Church of Fort Wayne, of sundry citizens of Kentland, and of the Missionary Society of the Presbyterian Church of Princeton, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. CLARK of Wyoming presented a petition of the Board of Trade of Saratoga, Wyo., praying for the enactment of legislation to restore the merchant marine; which was referred to the Committee on Commerce.

Mr. KEAN presented petitions of the Woman's Christian Temperance Union of Daretown, of the congregation of the Presbyterian Church of Liberty Corner, of the congregation of the Presbyterian Church of Hightstown, and of the Woman's Research Club, all in the State of New Jersey, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. MITCHELL presented the petition of A. H. Reider, of Alaska, praying that relief be granted him for loss of outfit by fire while in the employ of the United States military telegraph line at Summit Station, on Good Pasture River, Alaska, on July 12, 1903; which was referred to the Committee on Claims.

He also presented a petition of the Woman's Christian Temperance Union of Forest Grove, Oreg., and a petition of the congregation of the Methodist Episcopal Church of Forest Grove, Oreg., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. LONG presented petitions of sundry citizens of Sterling, of the Woman's Missionary Society of Iola, of sundry citizens of Wichita, and of the congregation of the West Side Presbyterian Church of Wichita, all in the State of Kansas, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Beloit Post, No. 147, Department of Kansas, Grand Army of the Republic, of Beloit, Kans., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. ALGER presented petitions of the congregation of the Central Presbyterian Church of Detroit; of the Young Men's Christian Association of Erie; of the Woman's Missionary Society of Adrian; of the congregation of the First Baptist Church of Adrian; of sundry citizens of Monroe County; of the Woman's Christian Temperance Union of Lansing; of the Woman's Christian Temperance Union of Cheboygan; of the Woman's Christian Temperance Union of Scottsville; of the Woman's Christian Temperance Union of Mount Clemens; of the Epworth League of Adrian; of the congregation of the First Methodist Episcopal Church of Adrian; of sundry citizens of Burt; of the congregation of the First Presbyterian Church of Wyandotte; of sundry citizens of Plymouth, and of the Westminster Woman's Missionary Society of Detroit, all in the State of Michigan, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Roseville, Ill., praying for an investigation of the charges made and filed against the Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Peterboro, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Columbia Heights Citizens' Association, of Washington, D. C., praying for the enactment of legislation to authorize the Commissioners of the District of Columbia to change the names of streets in any existing subdivision of land in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. FRYE presented a petition of the congregation of the Second Presbyterian Church of Wilkinsburg, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Philadelphia Turngemeinde, of Philadelphia, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

PETER P. DOBOZY.

Mr. COCKRELL. I present the affidavit of Dr. H. C. Shutte, being the medical evidence in the claim of Peter P. Dobozy. I move that the affidavit be referred to the Committee on Pensions, to accompany the bill (S. 2029) granting an increase of pension to Peter P. Dobozy.

The motion was agreed to.

COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. PENROSE, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Post-Offices and Post-Roads be, and the same is hereby, authorized to employ during the Fifty-eighth Congress a stenographer from time to time as may be necessary to report such hearings as may be had by the committee and subcommittees in connection with any matter that may be before the committee, and to have the same printed for its use, and that any expense in connection with the foregoing shall be paid out of the contingent fund of the Senate.

CHANGE OF REFERENCE.

The PRESIDENT pro tempore. The bill (S. 2259) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes, was directed to be sent yesterday to the Committee on the Philippines. The RECORD shows that it was sent to the Committee on Commerce. If there be no objection, that action will be reconsidered, and the bill and accompanying papers will be referred to the Committee on the Philippines.

BILLS INTRODUCED.

Mr. BURTON introduced a bill (S. 2265) for the relief of Joseph A. Cox; which was read twice by its title, and referred to the Committee on Claims.

Mr. DILLINGHAM (by request) introduced a bill (S. 2266) to repeal so much of an act approved March 3, 1903, as authorized the erection and completion of new buildings for the accommodation of the United States Naval Hospital, Washington, D. C., on the grounds belonging to the United States Naval Museum of Hygiene; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. LONG introduced a bill (S. 2267) granting a pension to Ruth E. Wright; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2268) to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CLAY introduced a bill (S. 2269) for the relief of Capt. Archibald W. Butt, quartermaster, United States Army; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2270) to provide for the erection of a public building in the city of Griffin, Ga.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2271) for the relief of Lieut. James B. Fowler; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCCREARY introduced a bill (S. 2272) to carry out the findings of the Court of Claims in the case of Nelson Howard Smith, administrator of Sidney R. Smith, deceased, and R. Bulinn, administrator of William R. Fleming, deceased, members of the firm of Sidney R. Smith & Co.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2273) granting a pension to Edward F. Poag; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2274) granting an increase of pension to Joseph J. Carson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 2275) to provide for the purchase of a site and the erection of a public building thereon at

Salisbury, in the State of North Carolina; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. ALGER introduced a bill (S. 2276) to regulate the retirement of veterans of the civil war; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2277) to correct the military record of George A. Winslow; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2278) granting an increase of pension to Harriet H. Howlett;

A bill (S. 2279) granting an increase of pension to Thomas Williams;

A bill (S. 2280) granting an increase of pension to Edward Blanchard;

A bill (S. 2281) granting an increase of pension to Anthony Walich;

A bill (S. 2282) granting a pension to Helen McArthur; and

A bill (S. 2283) granting a pension to Alice W. Clarke.

Mr. MILLARD (by request) introduced a bill (S. 2284) for the relief of John T. Wertz and Walter H. Shupe; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

He also introduced a bill (S. 2285) granting a pension to John R. Manchester; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2286) granting an increase of pension to James Thompson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 2287) granting an increase of pension to S. J. Brainard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2288) granting an increase of pension to Hannibal S. Hardy (with accompanying papers);

A bill (S. 2289) granting a pension to Louisa R. Chitwood;

A bill (S. 2290) granting an increase of pension to James P. Wallace;

A bill (S. 2291) granting an increase of pension to William W. Rollins;

A bill (S. 2292) granting an increase of pension to Joseph Kelble (with accompanying papers); and

A bill (S. 2293) granting an increase of pension to Jesse T. Power (with accompanying papers).

Mr. McENERY introduced a bill (S. 2294) for the relief of Marianne Morse; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 2295) granting an increase of pension to James B. Logan;

A bill (S. 2296) granting an increase of pension to Delos Van Deusen; and

A bill (S. 2297) granting an increase of pension to William K. Collins.

Mr. NEWLANDS introduced a bill (S. 2298) granting a pension to P. J. Conway; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 2299) to authorize the Commissioners of the District of Columbia to remit fines and grant pardons; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COCKRELL introduced a bill (S. 2300) to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River, at or near Grays Point, Missouri," approved January 26, 1901; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2301) construing the provisions of sections 2304 to 2309 of the Revised Statutes of the United States in certain cases; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2302) to amend section 3 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes;" which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 2303) for the relief of Anna R. Widmayer and Edgar H. Bates; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2304) granting an increase of pension to Samuel S. Merrill; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for increase of pension of Samuel S. Merrill, reenforced by affidavits of Dr. Charles A. Ware and of Dr. George F. Paine, and a letter from Judges M. N. Sale and J. A. Blevins, Shepard Barclay, Valle Reyburn, and W. H. Clopton, certifying as to the disability of the claimant. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL. The bill (S. 1236) granting an increase of pension to Patrick Crossen was referred to the Committee on Pensions. I ask that the committee be discharged from the further consideration of the bill and that it be indefinitely postponed because the word "Infantry" is in it instead of "Cavalry." His service was cavalry. I introduce a new bill with the proper correction and ask that it be referred.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the Committee on Pensions be discharged from the further consideration of the bill (S. 1236) granting an increase of pension to Patrick Crossen, and that the bill be indefinitely postponed. To that the Chair hears no objection, and the order is made.

Mr. COCKRELL introduced a bill (S. 2305) granting an increase of pension to Patrick Crossen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCOMAS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions.

A bill (S. 2306) granting an increase of pension to John A. Chambers;

A bill (S. 2307) granting an increase of pension to David Boner;

A bill (S. 2308) granting an increase of pension to Elias Bussard;

A bill (S. 2309 granting an increase of pension to John D. Deckman;

A bill (S. 2310) granting an increase of pension to William Dor (with an accompanying paper); and

A bill (S. 2311) granting an increase of pension to James D. West.

Mr. GORMAN introduced a bill (S. 2312) to provide that the Washington, Potomac and Chesapeake Railroad Company may extend its tracks in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2313) for the relief of Richard R. Conner; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut introduced a bill (S. 2314) granting an increase of pension to George B. Paddock; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 2315) for the relief of A. H. Reider; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 2316) for the relief of Martha F. Glenn; which was read twice by its title, and referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 2317) granting a pension to John W. Sniteman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2318) to change the name of Fourth street northeast, north of T street, in the city of Washington, D. C., to University avenue; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FRYE introduced a bill (S. 2319) to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2320) granting an increase of pension to Samuel H. Legrow; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENT TO GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. ALGER submitted an amendment proposing to appropriate $206.02 for burial expenses of Elmer B. Gavett, late lieutenant, Thirty-ninth Infantry, United States Volunteers, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

REPORT OF COMMISSIONER-GENERAL OF IMMIGRATION.

Mr. DILLINGHAM submitted the following concurrent resolution; which was read, and referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed, in paper covers, at the Government Printing Office, 5,500 additional copies of the annual report of the Commissioner-General of Immigration for the year ended June 30, 1903, with illustrations, of which 1,000

shall be for the use of the Senate and 2,000 for the use of the House of Representatives, and the remaining 2,500 copies shall be delivered to the Bureau of Immigration for distribution.

SPANISH TREATY CLAIMS COMMISSION.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Spanish Treaty Claims Commission be directed to transmit to the Senate copies of their announcements on April 28, 1903, of the principles governing their action in making decisions upon demurrers, and also copies of their various opinions at any time delivered relative to such announcements.

REPUBLIC OF PANAMA.

Mr. HOAR. I submit a resolution, for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That the President be requested, if not, in his judgment, incompatible with the public interest, to communicate to the Senate such facts as may be in his possession, or in that of any of the Executive Departments, as will show whether at the time of the ratification of the treaty with the Republic of Panama, lately communicated to the Senate, Panama had successfully established its independence, had lawfully adopted a constitution, and had given authority to the persons with whom said treaty purports to have been made to negotiate and ratify the same;

Also, the population of said Republic of Panama at that time, its capacity for self-government, and the race and character of the persons composing it;

Also, whether the officials negotiating or ratifying the treaty on the part of Panama had any personal or private interest in or relation to the construction of a canal across the Isthmus of Panama;

Also, whether the constitution of the Republic of Colombia authorized the secession of Panama therefrom, and whether Colombia was prevented by the action of the United States or by any officer or force under the jurisdiction of the same from attempting to assert its authority or to prevent such secession, and what instructions, if any, had been given by the Government of the United States to such officers, whether civil, military, or naval, and whether if any action had been taken by such officers without special authority what action was so taken, and whether such action has been approved or disapproved by the Government of the United States;

Also, at what time information of any revolution or resistance to the Government of Colombia in Panama was received by the Government of the United States or any Department thereof, and whether any information was received of any expected or intended revolution before it occurred, and the date of such information.

Mr. CULLOM. I move that the resolution be referred to the Committee on Foreign Relations.

Mr. HOAR. I hope that motion will not be pressed. I think if the Senator will look carefully at the resolution he will see that everything which is asked is something the President will be very desirous indeed of an opportunity to make known to the public, and an answer to the questions will tend very strongly to compose some public discontents of more or less magnitude and importance. Certainly it is information which every member of the Senate who is expected to act soon on a treaty ought to like to have.

Mr. CULLOM. Mr. President——

Mr. HOAR. Let the resolution be printed and go over.

Mr. CULLOM. I am willing to allow the motion to stand and to let the resolution be printed and go over.

Mr. HOAR. Let it be printed and go over.

Mr. CULLOM. There is no objection to that, Mr. President.

Mr. HOAR. I did not conceive in proposing the resolution that it contained anything which could excite any doubt in any man's mind.

Mr. CULLOM. The resolution is exceedingly long.

The PRESIDENT pro tempore. It will be printed and go over.

Mr. CULLOM. It seems to comprehend almost everything anyone could think of.

Mr. HOAR. It is not very long.

Mr. CULLOM. So I thought it better to look at it, at least.

Mr. HOAR. It is about a page of ordinary typewriting.

The PRESIDENT pro tempore. The resolution will go over, under the rule, objection being made.

TRADE RELATIONS WITH CUBA.

The PRESIDENT pro tempore. The morning business is closed. The Chair lays before the Senate the Cuban bill, so called.

The SECRETARY. A bill (H. R. 1921) to carry into effect a convention between the United States and the Republic of Cuba, signed on the 11th day of December, in the year 1902.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole.

Mr. GORMAN. Mr. President, I understand that under the agreement this bill will come up at 1 o'clock. I supposed that by unanimous consent yesterday the resolution offered by the Senator from Pennsylvania [Mr. PENROSE] was to be laid before the Senate, if the morning business should be concluded before 1.

Mr. CULLOM. I understand that the so-called morning business yesterday went on the Calendar, when the discussion closed.

Mr. LODGE. It was not morning business. It was taken from the Calendar.

Mr. CULLOM. It was not morning business in fact, as I understand. The Senator from Colorado [Mr. TELLER] is now ready to proceed with his speech, and, under the agreement, immediately after the morning business——

Mr. ALDRICH. Routine.

Mr. CULLOM. Immediately after the routine morning business we are to proceed with the Cuban bill, so called.

Mr. GORMAN. So the agreement stated, but yesterday when we reached 1 o'clock I said:

I renew my request that the resolution go over until to-morrow morning without prejudice.

The PRESIDING OFFICER. The resolution will go over without prejudice. The regular order is demanded, which is the unfinished business.

Then this followed:

Mr. LODGE. The resolution goes over, taking the motion with it?

The Presiding Officer said:

Taking the motion with it.

Mr. CULLOM. Did not the Presiding Officer state that the resolution went on the Calendar?

Mr. GORMAN. I will read the whole of it. Said the Senator from Iowa [Mr. ALLISON]:

Before the Senator from Colorado proceeds, I should like to know just what the understanding is respecting this resolution. Is there any understanding other than that it goes over without objection?

Mr. HALE. It goes to the Calendar.

Mr. ALDRICH. It goes to the Calendar.

Mr. ALLISON. It goes to the Calendar? Very well.

The PRESIDING OFFICER. The resolution is already on the Calendar.

Mr. ALDRICH. It goes back to the Calendar.

The PRESIDING OFFICER. It goes back to the Calendar, with the motion of the Senator from Massachusetts [Mr. LODGE] to refer.

Mr. ALDRICH. That is plain enough.

Mr. GORMAN. I made my request and the colloquy I have just read followed. I made the request that the resolution might go over without prejudice and come up providing there was time between the ordinary morning business and 1 o'clock. The Presiding Officer said it would go over without prejudice.

I should like this morning to understand from the chairman of the committee his construction of the agreement. He knows perfectly I do not desire in the slightest to interfere with the agreement that he and I were parties to; but does he understand now that it covers simply the introduction of bills and ordinary resolutions, and that no resolution which is on the Calendar or comes over can be brought before the Senate? For instance, the resolution just offered by the Senator from Massachusetts [Mr. HOAR], proposing one of the most important inquiries which has ever been made in the Senate of the United States, goes over under the rule, to come up when? Under the rule it will come up to-morrow morning at any time before 1 o'clock.

Mr. CULLOM. The Senator from Maryland refers to me, I believe.

Mr. GORMAN. I do.

Mr. CULLOM. I simply want to adhere to the arrangement made by unanimous consent in the Senate as to the Cuban bill, and to adhere to it we must simply attend to the morning business proper, as I understand it.

Mr. GORMAN. Now, I ask the Senator——

Mr. CULLOM. A resolution such as was introduced by the Senator from Massachusetts awhile ago and laid over I should suppose to be still morning business, because it did not go to the Calendar; but after a resolution has been debated and gone to the Calendar, and has been taken off and debated again, it seems to me it can not be considered as morning business. My opinion is not of much account on a question involving the rules, but it seems to me that that ought to be the common-sense view of it.

Mr. GORMAN. I want to have the understanding of the Senator now as to whether that is his construction of our agreement.

Mr. HOAR. It is impossible to hear the Senator from Maryland.

Mr. GORMAN. My only purpose is to ascertain what the chairman of the Committee on Foreign Relations understands by the agreement.

Mr. CULLOM. I have been stating what I think is the purport of the agreement.

Mr. GORMAN. Very good. Now, then, I ask the Senator——

Mr. CULLOM. Whether I am right or not, it is for the Senate to determine. I do not care what we consider. If the Senate does not desire to take up the Cuban bill, then it is in order to consider anything else the Senate sees proper to take up. But when Senators are ready to debate the bill, it seems to me that it is my duty to call the attention of the Senate to what I think is the rule. If the Senate sees proper to vary it, then it is for the Senate to take the responsibility.

Mr. GORMAN. No, Mr. President, the Senator did not put it quite so strongly. It is not with any desire to evade the agreement, but I asked him to state his construction of the agreement.

Mr. CULLOM. I have given it to the Senator so far as I am concerned.

Mr. GORMAN. I asked if it excludes all the business that properly belongs to the morning hour. Would it exclude the resolution of inquiry offered by the Senator from Massachusetts [Mr. HOAR]? That resolution comes up to-morrow at any time after presentation of petitions and the introduction of bills, and if it is

not completed, would it, under the Senator's construction, go to the Calendar, not to be reached again until after we dispose of the Cuban bill?

Mr. CULLOM. I beg the Senator to appeal to the President of the Senate, not to me, to decide what the rule is.

Mr. GORMAN. I am exceedingly anxious to have the construction of the chairman of the committee who was instrumental in making the agreement, not with a view of criticising him, but only that we may have a definite understanding.

Mr. CULLOM. I will read the agreement, if it will be agreeable to the Senator.

Mr. GORMAN. I should be very glad to hear it.

Mr. CULLOM. And let us see what he thinks it means:

That on Monday, December 7, 1908, and on each of the following days when the Senate shall be in session after the completion of the routine morning business—

Now, what is routine morning business? Is it a bill that has gone to the Calendar? It seems to me not.

Mr. SPOONER. Will the Senator allow me to interrupt him for a moment there?

Mr. CULLOM. Certainly.

Mr. SPOONER. Rule VIII, in regard to the order of business, says:

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions.

The distinction between morning business and the consideration of bills and resolutions on the Calendar seems to be very clear under this rule. The Senate has otherwise ordered, the Senator from Illinois contends, by the unanimous-consent agreement. Does not the Senator from Maryland think so?

Mr. GORMAN. I want to get the distinction made by the chairman of the committee on that point, and to carry out in perfect good faith the agreement which was made.

Mr. CULLOM. If the Senator is very anxious to get my opinion about it, I will adhere to the construction of the understanding just as I have done heretofore. When the President of the Senate announces that morning business is finished and lays the Cuban bill before the Senate, I shall insist upon its consideration.

Mr. GORMAN. Then it will not be in order, I understand the Senator, to take up any bill or resolution——

Mr. CULLOM. From the Calendar—no.

Mr. GORMAN. From the Calendar?

Mr. ALDRICH. Or otherwise, except by unanimous consent.

Mr. GORMAN. Very good, Mr. President.

Mr. HOAR. I suppose the resolution I introduced just now, which has been referred to by the Senator from Maryland, will be laid before the Senate to-morrow. The Chair will remember that it went over on the suggestion of the Senator from Illinois that he might have an opportunity to see it after it is printed. Undoubtedly it would be subject to this rule if it should cease to be routine morning business and become a matter of debate.

Mr. GORMAN. I will say to the Senator from Massachusetts that that was my very object in making the inquiry. I can understand from the conditions, the peculiar tint or color of the atmosphere, that the resolution of the Senator from Pennsylvania will probably be crowded out until after we dispose of the Cuban measure. But I did desire to know whether it was to come up and just how far we were to go with other resolutions, the most important of which is the one introduced by the Senator from Massachusetts.

Mr. ALDRICH. The distinction between morning business and routine morning business is, I understand, very marked and very plain. Routine morning business is the presentation of petitions, the making of reports, and the other four or five items that are included in the rule.

Mr. HOAR. And resolutions.

Mr. ALDRICH. And anything that can be done by unanimous consent would be in order, but not under any rule of the Senate. When the routine morning business is closed, which is the presentation of petitions and memorials, reports, etc., then under the order of the Senate the Cuban bill will be in order and nothing else can be considered, not even resolutions, except by unanimous consent. That seems to be very clear. If the language used in the order of the Senate had been "at the conclusion of the morning hour," or "at the conclusion of the morning business," a different state of affairs would be in existence. But the order of the Senate says distinctly "after the completion of the routine morning business." That excludes the consideration of all other subjects, because if a resolution were to be considered it might involve an indefinite discussion every day to the exclusion of the regular order. Of course these things can be done by unanimous consent, and I assume, I trust so, at least, that when there is no one ready to speak upon the Cuban bill unanimous consent will be given to the transaction of other business. But in the absence of unanimous consent nothing can be done, it seems to me, under the agreement, except what is strictly routine morning business. That is well understood. The Senator from Maryland understands what is routine morning business as well as I.

Mr. GORMAN. I thought I did until I heard the Senator from Rhode Island. Does the Senator mean to say that a resolution which comes in under the rule in the morning hour, such as the one offered by the Senator from Massachusetts [Mr. HOAR], and goes over until the next morning, does not come up as a matter of course?

Mr. ALDRICH. Not as routine morning business.

Mr. GORMAN. I should like to ask the opinion of the Chair on that point, for I confess the Senator's proposition amuses me.

Mr. ALDRICH. The distinction between routine morning business and general morning business is very marked, I think.

Mr. HOAR. Mr. President, I agree with the Senator from Rhode Island entirely in every matter of substance he has stated, but I think he has fallen into a slight inexactness of phraseology. I understand that when a resolution is offered and goes over one day that Senators may see it or consider it, it comes up the second day exactly as it did when it was first proposed; that it is laid before the Senate as routine morning business, and does not require any unanimous consent to take it up and have it laid before the Senate. But if it become a matter of debate thereafter, if it is not adopted, as a matter of course it ceases then to be matter of routine, because matter of routine is matter which is done as a matter of course.

So I shall claim to-morrow morning that it is the duty of the Chair to lay my resolution before the Senate just as much as it was his duty to lay it before the Senate when I first proposed it. But then, if any Senator desires to debate it or object to it, I should suppose it would cease to have the character of routine business. It would not require unanimous consent to take it up; but it is pretty much the same thing, because it can only be finally considered without objection. The only difference is in phrase, not in substance.

Mr. CULLOM. Mr. President, what is before the Senate?

The PRESIDENT pro tempore. The Cuban bill.

Mr. CULLOM. If no one is going to speak, we will take up some resolution or something else.

Mr. TELLER rose.

Mr. CULLOM. The Cuban bill is now before the Senate.

Mr. TELLER. If the matter is settled and the bill is before the Senate, I am ready to proceed.

The PRESIDENT pro tempore. The Senator from Colorado is entitled to the floor.

Mr. TELLER. Mr. President, when I suspended last night I had called the attention of the Senate to the fact that the consumption of sugar was greatly increasing in the United States, and I referred to a statement made by Doctor Wiley, the Government chemist, who has made a calculation as to the probable increase of the consumption in the United States up to 1921. I prepared a statement, based on the testimony of Doctor Wiley, as to the increased consumption of sugar in the United States, which in order that I may be accurate I am going to read:

Doctor Wiley, Chief of the Bureau of Chemistry of the Department of Agriculture, in his testimony before the Committee on Ways and Means of the House on January 29, 1902, on pages 481 and 482, makes the probable consumption of sugar in the United States 3,333,500 tons in 1911 and 4,723,500 tons in 1921. This is a conservative estimate, and if he estimated it on our average yearly increase since 1881 it would be much larger, and would be in 1911 3,667,000 tons and in 1921 5,667,000 tons.

If we reduce his estimate of 1911 of 3,333,500 tons to 3,000,000 tons (long tons of 2,240 pounds), at 4 cents per pound it will amount to $268,800,000.

Now, if we take the estimate for 1921, based on our annual increase for the last twenty years, or 5,667,000 tons, and reduce it, as the Doctor has, to 4,723,500 tons, to correspond with the reduction of 3,333,500 tons in 1911 to 3,000,000 tons, we will reduce the 4,723,500 tons to 3,780,000, and at 4 cents per pound this amount would cost the consumer the enormous sum of $338,688,000. If we figure the consumption on what the Doctor says is our probable increased consumption in 1911, the cost to the consumer at 4 cents per pound, retail price, will be $298,680,000 instead of $268,800,000, as I have estimated, and in 1921, instead of being $338,688,000, it will be $425,235,600. I have no doubt but the first estimate—that is, in 1911 of $268,800,000 and 1921 of $338,688,000—is an underestimate, but it is sufficient to show the great importance of the necessity for the encouragement of the production of domestic sugar, not only as a matter of furnishing to our people both labor and capital opportunities, but also the advantage of producing such a great amount of food at home and not be dependent on foreign countries.

Yesterday I stated that I had some further evidence as to the complicity of General Wood with reference to the inception of

this demand for the reduction of the tariff for the benefit of Cuba. I now desire to put into the RECORD a statement of General Wood, dated Washington, D. C., July 1, 1902, in which he shows the amount that had been expended by the Cuban Government, which he had in charge, to further the cause of reciprocity. He states that he paid out of the insular funds $15,626.82. Accompanying this statement there is a statement from the War Department showing for what these amounts had been paid out.

Mr. President, I desire that the first page of the document I hold in my hand, down to Exhibit A, may go into the RECORD as part of my remarks.

The PRESIDENT pro tempore. In the absence of objection that order will be made.

The matter referred to is as follows:

[House Document No. 679, Fifty-seventh Congress, first session.]

PAYMENTS TO F. B. THURBER OUT OF CUBAN FUNDS.

Letter from the Acting Secretary of War, transmitting, in response to a resolution of the House, a copy of a letter from Brig. Gen. Leonard Wood, relating to payments to F. B. Thurber out of Cuban funds. July 1, 1902.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, *Washington, July 1, 1902.*

SIR: In response to the following resolution of the House of Representatives, dated June 23, 1902—

"*Resolved*, That the Secretary of War be, and he is hereby, directed to furnish to the House of Representatives, if not incompatible with the public interests, the following information: What amounts, if any, have been paid out of the Cuban treasury or the funds of the Cuban people, by the military governor of Cuba, or by his direction, or by any officer of the United States, while the forces of the United States occupied Cuba, to F. B. Thurber, president of the United States Export Association, or any other person or persons, corporation, or association, for advocating a reduction in the duties upon Cuban products, with a reciprocal reduction in the duties upon American products imported into Cuba, or for services in support of the application of the inhabitants of the island of Cuba for reciprocal relations with the United States; also the date or dates of any of such payments."—

I have the honor to inclose herewith a letter dated July 1, 1902, from Brig. Gen. Leonard Wood, United States Army, late military governor of Cuba, transmitting a statement of the expenditures called for by the resolution.

Very respectfully,

WM. CARY SANGER,
Acting Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WASHINGTON, D. C., *July 1, 1902.*

SIR: I have the honor to transmit herewith a statement of the expenses incurred in the cause of reciprocity between Cuba and the United States. The disbursements made were made by me as military governor of the island of Cuba and were made for the purpose of presenting to the people of the United States, without reference to party or section, the desires of the people of Cuba as to the trade relations which should exist between that country and our own. The action taken was approved by the industrial and commercial classes of Cuba. It received the unqualified approval of the secretaries of the insular government, and was an expenditure of Cuban funds for the purpose of promoting Cuban interests.

The expense accounts are herewith inclosed:

1. Expenses of the special commission of Cuban planters sent by me, as military governor of Cuba, with letters of introduction to the honorable the Secretary of War of the United States, with the intimation that they desired to appear before the committees of Congress to be heard upon the subject of trade relations between Cuba and the United States	$1,399.00
2. Salary of F. B. Thurber, together with certain expenses for travel and clerk hire	740.00
3. Expenses incident to the purchase and circulation of certain marked copies of various United States periodicals	340.98
4. The circulation of 10,000 copies of a pamphlet entitled "Industrial Cuba"	222.50
5. The cost of circulating 320,000 circulars in four issues of 80,000 each, $11,520, to which there is to be added $27.76, travel expenses of Lieut E. Carpenter, acting commissary, United States Army, incurred in connection with the payment to United States Export Association of $2,880 (see voucher No. 1 to abstract herewith), making in all	11,547.76
6. The expenses incident to the circulation of 443 copies of the Outlook Magazine containing an article editorial on reciprocity	26.58
7. The expenses incident to the circulation of 18,000 copies of the Sunday editions of the Habana Post containing editorial writings on reciprocity	750.00
8. To the Habana Post, for printing and circulating certain pamphlets on reciprocity	600.00
Total	15,626.82

The foregoing is to the best of my knowledge the total amount of the disbursements for the cause of reciprocity called for in the resolution of Congress of June 23, 1902.

Very respectfully,

LEONARD WOOD,
Brigadier-General, United States Army.

The SECRETARY OF WAR,
Washington, D. C.

(Through the Adjutant-General of the Army.)

Mr. TELLER. In this document will be found a statement of what the expenditures were for. I stated yesterday that part of these expenditures had been incurred for the purpose of exploiting this scheme in the public press. Here is a statement showing the items of expenditure for the press which were made by the insular government. Senators will remember that this is a public document sent to the House of Representatives from the War Department, and here are the vouchers upon which those insular funds were paid.

[Copy.]

The United States Military Government of Cuba to the United States Export Association, Dr.

For disbursements in re Cuban tariff as follows (see exhibits annexed):

Dec. 10.	450 copies New York Journal of Commerce and Commercial Bulletin	$29.25
Jan. 8.	400 copies New York Times	12.00
24.	527 press clippings	21.08
30.	450 copies New York Journal of Commerce and Commercial Bulletin	31.50
Feb. 6.	500 copies New York Herald	11.25
7.	1,000 copies New York Journal of Commerce and Commercial Bulletin	70.00
10.	550 copies New York Journal of Commerce and Commercial Bulletin	41.40
25.	300 copies New York Journal of Commerce and Commercial Bulletin	21.00
Mar. 17.	250 copies New York Journal of Commerce and Commercial Bulletin	16.50
	Clerk hire, addressing wrappers for above papers	12.00
	Postage paid on 2,200 of the above papers	44.00
	Printing and sending to Senators and Members of Congress inclosed leaflet marked "A," including envelopes, addressing same, and postage	16.00
	Printing and sending to Senators and Members of Congress inclosed leaflet marked "B," including envelopes, addressing same, and postage	15.00
	Total	340.98

Received payment.

UNITED STATES EXPORT ASSOCIATION,
F. B. THURBER, *President.*

NEW YORK, *March 31, 1902.*

The above payment was made April 29, 1902.

LEONARD WOOD,
Brigadier-General, United States Army.

A true copy.

———,
First Lieutenant, Tenth U. S. Cavalry, Aid-de-Camp.

They also, for fear the people of Cuba would not be sufficiently excited on this subject, made use of the papers in Habana for the furtherance of this scheme, as will be seen from the following:

No. 2.

Paid by the military government of Cuba to the Habana Post, Habana, Cuba, for 30 issues, of 600 copies each, of the Sunday editions of the Habana Post, containing editorial writings on reciprocity, as follows:

October 22, 1901, for two issues	$50.00
October 28, 1901, for one issue	25.00
November 6, 1901, for one issue	25.00
November 18, 1901, for two issues	50.00
December 6, 1901, for two issues	50.00
December 10, 1901, for one issue	25.00
December 19, 1901, for one issue	25.00
December 26, 1901, for one issue	25.00
December 31, 1901, for one issue	25.00
January 8, 1902, for one issue	25.00
January 15, 1902, for one issue	25.00
January 23, 1902, for one issue	25.00
January 31, 1902, for one issue	25.00
February 4, 1902, for one issue	25.00
February 15, 1902, for one issue	25.00
February 20, 1902, for one issue	25.00
February 28, 1902, for one issue	25.00
March 6, 1902, for one issue	25.00
March 13, 1902, for one issue	25.00
March 24, 1902, for one issue	25.00
March 25, 1902, for one issue	25.00
April 8, 1902, for two issues	50.00
April 16, 1902, for one issue	25.00
April 23, 1902, for one issue	25.00
April 30, 1902, for one issue	25.00
May 7, 1902, for one issue	25.00
Total	750.00

A true copy.

FRANK R. MCCOY,
First Lieutenant, Tenth Cavalry, Aid-de-Camp.

An examination of this document will show also that at least some members of the committee called the Cuban committee who came here—as Mr. Thurber says, spent $10,000 for postage alone, and, he thought, $20,000 in all—came at the expense of this Government, for there are charges in this document for the transportation of at least two of them, costing somewhere about $193 in one case and perhaps less in the other.

I find also that an officer of the Army, a lieutenant of the Tenth United States Cavalry, Frank R. McCoy, in some way—for what particular purpose I have not been quite able by an examination of this document to determine—paid out $2,907.76. I am not an expert on figures and never was a very good bookkeeper, but I suppose that $2,907.76 is included somewhere in the total of $15,600. I rather think it is, though I am not able to make it out, but not being able to state otherwise, I shall not assume that it is in addition to what General Wood certifies in the paper I sent to the desk.

I find here the following letter from General Wood, addressed to F. B. Thurber, president of the United States Export Association:

NEW YORK, *December 11, 1901.*

SIR: I have the honor to acknowledge receipt of your letter of December 11, relative to the publication of certain material for educational purposes upon the question of a reduction of the duties of Cuban products, principally

sugar and tobacco. In this letter you inclose samples of the proposed circulars and accompanying letters, with the statement that your list comprises 80,000 names, and that the cost per issue will be about $2,880. The work is to be first quality, 2-cent postage, letters sealed, and carefully directed.

You are hereby authorized to make the necessary arrangements to send two issues of 80,000 circulars in accordance with the samples inclosed, together with additional information which will be forwarded you from Cuba on my return.

Very truly, yours,

LEONARD WOOD.

A true copy.

EDW. CARPENTER,
First Lieutenant, Artillery Corps, Acting Aid-de-Camp.

Mr. F. B. THURBER,
President United States Export Association, City.

Mr. Thurber testifies that there were four different editions of these documents, and as they were mailed to 80,000 persons they would aggregate four times 80,000, which were, he said, to be put into the hands of people representing the best thought of the country. He stated before the committee that he meant by that the preachers and professional men in the country, and I infer from some letters which I have received from various divines that they reached the destination intended.

I will not attempt now to go into some few things, which I might, which seem to me to be at least as reprehensible.

Mr. President, I was yesterday speaking of the attempt to impose—it was a mild term I used—on the people of the United States, the charitable, kind-hearted, good people of the United States, by these claims of distress and destitution and want in Cuba.

I omitted to read yesterday an extract I had intended to read, and which I want to read now, taken from the New York Tribune of the 27th of January, 1902:

The public misery is terrible. Municipal council requests your support for speedy solution of economic problem to avoid awful condition of hunger and calamities which will occur if efficient remedy is not furnished. Laborers without work; there are no industries; commerce is ruined. Cuban people expect that the United States, the arbiter of this situation, will make of Cuba a happy country, and not a land of mendicants.

Mr. President, it would be very difficult for the most expert and scholarly individual in the world to get into the same space any more falsehoods than are contained in what I have just read. That was published in one of the great newspapers of this country—a newspaper that to my certain knowledge, in some of the best sections of the United States, is practically the only paper read, a paper with which I have been familiar ever since it was started under Mr. Greeley. I know that in certain sections of the State of New York whole communities practically take no other paper than that. It is to them what the Bible is to the average Christian. Whatever is in that paper they believe. Whether it be political, religious, or economic, it makes but little difference. It is taken not with a grain of allowance, but as an absolute truth. I can imagine, Mr. President, when my former youthful associates up in that part of the country read this article they must have thought I was a monster of cruelty and wickedness if I could resist such an appeal as that, and if it had been true I could not.

Mr. President, I have never felt the slightest degree of hostility to the people who did clamor about us and assail us to grant this concession to Cuba, because it was simply a manifestation of that generous sentiment which pervades the people of this country in their anxiety to relieve suffering, even though at great expense. They were told also that it could be done without any injury to any industry of this country, which was equally as false as the statement which was made that distress prevailed in Cuba.

I said yesterday that this is not reciprocity. It is not reciprocity as the Republican party a few years ago proclaimed reciprocity. I said yesterday that nobody could bring the great authority of the late President of the United States, Mr. McKinley, to support this kind of reciprocity, or at least if they could I think such authority certainly can not be found in any of his public utterances.

Mr. President, I do not mean to say that I am not in favor of reciprocity with certain countries on certain products. I am quite willing that there shall be reciprocity with people who produce what we do not produce and who want to buy from us what they do not produce.

I have here a report, which I want to read, that has the authority of three great names, one of them a Democrat and two of them Republicans. Two of them are no longer here, though all three have served in this Chamber with distinction, one on the Democratic side and two on the Republican side.

The Committee on Finance on the 27th of February, 1883, when the present chairman of the committee was a member, had before them the question of reciprocity, and these three members differed with the majority of the committee. I have here the findings of the minority. Their report is signed by the late Senator Morrill, of Vermont, the late Senator Voorhees, of Indiana, and the present illustrious Senator from Rhode Island [Mr. ALDRICH], now chairman of the committee.

I am not aware that in the lifetime of Senator Voorhees or Senator Morrill they changed their views; I am not quite clear what the present chairman of the Committee on Finance would now say on the subject. I am going to read this minority report. I am sorry the Senator from Rhode Island is not here, but I have an idea that he has not forgotten it, and from some things which I have known of his doing in the last two years in reference to reciprocity treaties, I am inclined to think that he is still of the opinion then expressed; but if he is, he will be at outs with the present Administration and the present majority of this body.

The joint resolution reported by the majority of the committee was in these words:

Joint resolution providing for the termination of the reciprocity treaty of 20th of January, 1875, between the United States of America and His Majesty the King of the Hawaiian Islands.

Whereas it is provided in the reciprocity treaty concluded at Washington the 30th of January, 1875, between the United States of the one part and His Majesty the King of the Hawaiian Islands of the other part, that this treaty "shall remain in force for seven years from the date at which it may come into operation and, further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same;" and

Whereas it appears by a proclamation of the President of the United States bearing date the 9th of September, 1876, that the treaty came into operation on that day; and

Whereas, further, it is no longer for the interests of the United States to continue the same in force: Therefore,

Resolved by the Senate, etc., That notice be given of the termination of the reciprocity treaty, according to the provision therein contained for the termination of the same; and the President of the United States is hereby charged with the communication of such notice to the King and the Government of the Hawaiian Islands, and the desire of the United States to make and maintain the most friendly commercial relations with that power.

The views of the minority were as follows:

VIEWS OF THE MINORITY.

The undersigned agree to the report of the majority of the Committee on Finance, and for the following additional reasons not concurred in by other members of the committee:

When our Constitution was framed no compact between two different nations such as a reciprocity treaty was known or ever existed, and the power of the President, "with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senate concur," must be accepted as a limitation of the power to just what was then known and understood to be comprehended by the words "to make treaties." The Constitution can not be changed by any modern diplomatic inventions. It is true that Cromwell, in 1654, made a treaty with Portugal, by which English woolens were to be admitted into Portugal at a lower rate of duty than from other countries, and the wines of Portugal were to be charged, when brought to England, with a less rate of duty than wines imported from France or elsewhere; but this, although a commercial treaty, was not a reciprocity treaty, and Adam Smith conclusively proved that even this much vaunted treaty was disadvantageous to England.

Our Constitution does not lack harmony, and all of its provisions show that it was never intended that the President and the Senate should have even the initiative in regulating trade or commerce. That power is given up wholly to "Congress to regulate foreign and domestic commerce and with the Indian tribes;" and the President can not call to his aid any foreign power, even with the advice and consent of the Senate, to regulate commerce, whether foreign or domestic.

A still greater inhibition of this modern shape of the treaty power is found in another provision of the Constitution, which provides that—

"All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills."

No reciprocity treaty could be made that would not be a direct infraction of this provision of the Constitution, as all such treaties must necessarily curtail the boundaries within which revenues are or can be raised. If such a treaty could be made with one nation it would be possible to make like treaties with all, and thus the power of the House of Representatives to originate revenue bills would be suspended and frittered away. It does not help the main question in the least to obtain the consent of an existing House of Representatives to pass a law in conformity with or to carry out the provisions of such a treaty. The power of the House to originate revenue bills inheres forever, and no existing House can exercise that power so as to deprive a succeeding House of any of its proper Constitutional functions.

Again, the "most-favored-nation" clause, in the larger part of our treaties with other nations, is a perpetual suggestion of the most serious complications always lying in wait for all reciprocity treaties. Should any of these nations tender the same or equal terms, we must, of course, accord the same and equal favors, and any reciprocity treaty might be suddenly and wonderfully expanded; or we might have the alternative of a conflict with many nations with whom peaceful relations are most desirable.

In the determination of this question our experience ought to have some weight; and that experience shows, in every instance where a reciprocity treaty has been tried, that immense American interests have been sacrificed. No one has resulted to our advantage.

JUSTIN S. MORRILL.
DANIEL W. VOORHEES.
NELSON W. ALDRICH.

I wish the Senator from Minnesota [Mr. CLAPP], who spoke yesterday on this subject, was present; he would find this report instructive reading.

Mr. NELSON. May I inquire from what document the Senator has been reading?

Mr. TELLER. I will say to the Senator from Minnesota that I have been reading from the minority report made by the late Senator Morrill, of Vermont, the late Senator from Indiana, Mr. Voorhees, and the present chairman of the Committee on Finance, the Senator from Rhode Island [Mr. ALDRICH], on the Hawaiian treaty, on February 27, 1883.

That report was good law when it was written; it is good law now; and the last part of it, which states that no reciprocity treaty which we have ever made has been beneficial to us, is as true to-day as it was over twenty years ago, when that report was made.

In 1900 there was a proposition in the House of Representatives for the admission of certain articles free of duty from Porto Rico and Cuba. We were at that time in possession of Cuba, our armies being there. I hold in my hand the report made by the Committee on Ways and Means of the House of Representatives, from which I desire to read some portions.

[House Report No. 1766, Fifty-sixth Congress, first session.]

ADMISSION OF CERTAIN ARTICLES FREE OF DUTY FROM PORTO RICO AND CUBA.

May 26, 1900.—Laid on the table and ordered to be printed. Mr. GROSVENOR, from the Committee on Ways and Means, submitted the following adverse report. [To accompany H. J. Res. 181.]

The Committee on Ways and Means, to whom was referred House joint resolution 181, by Mr. RICHARDSON, to admit free of duty sugar, molasses, and everything entering into the manufacture of sugars from Porto Rico and Cuba, report the same back to the House and recommend that it lie on the table.

That was not so broad as is this bill. I will say that this report was made by Mr. GROSVENOR, of Ohio, who is still a Member of the other House.

This measure is one of a series of measures looking to the same result. The first was an effort during the progress of the Porto Rican tariff bill, so called, in the Senate to place upon that bill an amendment restoring to persons who had paid tariff taxes upon commodities entered at the port of New York and elsewhere in the United States from Porto Rican ports the amount of duties thus paid by them. The amount covered by the amendment offered by the Hon. James K. Jones to the Porto Rican bill in the Senate on sugar and molasses alone amounted to $1,487,866, as appears by the report of the Secretary of the Treasury, and had that amendment been placed on the Porto Rican bill and become a law the following persons and firms would have received the benefit of the sums of money below indicated:

I desire to have the table go into the RECORD, but I do not care to read it in full, as it would take too much time.

The PRESIDING OFFICER (Mr. MCCREARY in the chair). Does the Senator desire it printed in the RECORD?

Mr. TELLER. I desire the table to be printed. I shall only read a part of the report, but I ask that it all may be inserted in the RECORD.

The PRESIDING OFFICER. The Senator from Colorado asks that the matter referred to by him may be printed in the RECORD without reading. Is there objection? The Chair hears none, and it is so ordered.

The table referred to is in full as follows:

Name of firm.	Amount of duties.	Name of firm.	Amount of duties.
American Sugar Refining Co	$637,551	D. A. De Lima & Co	$10,694
A. S. Lascelles & Co	513,223	Gustave Preston	9,965
Czarnikow & McDougall Co. (Limited)	103,065	A. A. Vatable & Son	8,737
L. & W. P. Armstrong	52,476	A. M. Seixas	7,808
G. Amsinck & Co	32,114	Fussig & Co	4,074
B. H. Howell, Son & Co	30,524	Bowermann & Co	3,687
H. Beste	26,604	Masie Bros	3,377
Marwood & Co	15,667	Melchior, Armstrong & Dessau	2,233
Lawrence Turnure & Co	14,775		
John Farr	11,601	Total	1,487,806

Mr. TELLER. The report then proceeds:

It will be seen by the foregoing statement that the American Sugar Refining Company and A. S. Lascelles & Co., a part of the same concern, would have received a gross sum approximating $1,200,000. This would have been a direct gift from the public Treasury to the sugar trust of that sum of money, and would have been the first successful effort to appropriate money directly to a trust.

Mr. President, I will stop here long enough to say that that effort did not succeed, and this very likely may, and, if so, this will be the first successful effort to take money out of the Treasury to pay it to a trust if the present conditions exist, which I believe do exist, with reference to this question.

The report continues:

Following that abortive effort comes this resolution, and if this resolution should pass it would place upon the free list the molasses and sugar hereafter to be imported into the United States from Cuba and Porto Rico. The present product of Porto Rico amounts to something like 60,000 tons for this year, and would not be a very considerable sum of money, but when there is included in this proposed addition to the free list of the country the products of Cuba the item becomes an enormous one.

Following is a table of the imports of molasses and sugar dutiable from those two places, and the entire importations from all countries classified in proper order:

Imports of molasses and sugar, dutiable, year ended June 30, 1899.

[Quantities in pounds.]

Articles.	Total, United States.		Cuba and Porto Rico.	
	Quantities.	Value.	Quantities.	Value.
Molasses.....galls.	5,806,256	$789,084	5,077,706	$690,399
Sugar, not above No. 16 Dutch standard:				
Beet	723,336,352	15,269,397	.....	.....
Cane	2,731,868,574	60,714,089	770,346,000	18,907,773
Sugar, above No. 16 Dutch standard	62,745,763	1,692,951	5,427	159
Total	3,517,950,689	77,676,437	770,351,427	18,907,932

Cuba and Porto Rico furnished 24.5 per cent of the total importations of cane sugar imported in quantity, and 31.1 per cent in value.

The average rate of duty on cane sugars not above No. 16 Dutch standard was equivalent to 74.31 per cent ad valorem, and the total amount of duties collected on such sugar imported from Cuba and Porto Rico in the year ended June 30, 1899, was $14,010,366.11. The average rate of duty on sugar above No. 16 Dutch standard was equivalent to 75.7 per cent ad valorem, and the total amount of duty on such sugar imported from Cuba and Porto Rico in that year was $120.36. $14,010,366.11 + $120.36 = $14,010,486.47, the value of Mr. Richardson's proposed yearly gift to the sugar trust, calculated on the importations of 1899, which, of course, will steadily increase from year to year.

By this it will be seen that "Cuba and Porto Rico furnished 24.5 per cent of the total importations of cane sugar imported and 31.1 per cent in value," and that to now place these commodities upon the free list of the country would, if the same amount of sugar and molasses should be imported during the current year beginning July 1, 1900, and running forward, give to the importers of sugar and molasses something like $14,000,000. This would be a free gift from the people of the country, and measures the value of the proposed yearly gift to the sugar trust, calculated on the importations of 1899, which, of course, will steadily increase from year to year.

There is probably no commercial organization or trust with a more thoroughly well-organized and self-defending capacity than the American Sugar Refining Company, and it must be borne in mind that there is no sugar refined in Cuba, or, if any, only the merest trace or small quantity, and that all cane sugar unrefined that comes from that country, or substantially all of it, is received and refined by the American Sugar Refining Company, or, perhaps, one of the kindred organizations, which were stated by the great manager of that company to be "under the same umbrella" with the sugar trust.

The tariff of 1897, so far as relates to sugar and molasses, was intended to be both a revenue producer and a matter of protection to the beet-sugar industry of the United States. To now remove that protection would be a fatal blow to that valuable and growing industry, and would strip the Treasury at once of one of its most reliable sources of revenue, and the sole effect, so far as immediate and great gains to anyone, would be to hand over to a great corporation, now enjoying enormous prosperity, a degree of aid and assistance in accumulating larger wealth that would shock the conscience of the American people.

There is to your committee no conceivable good that could come of this scheme. It could not benefit the American people, for it would not stimulate the refining of sugar in the United States. It would take from the people of Porto Rico the small pittance of income which the 15 per cent duty on their sugar now yields to them and it would bring into immediate contact and competition with the cane sugar of the United States and the beet sugar of the United States the enormous product of the island of Cuba. There has not been set any limitations upon the product of that island, and American money, American intelligence, and American ambition will doubtless make of that island almost one undivided cane-sugar plantation, and the possibilities of its competition with the cane sugar of the United States is almost beyond estimate, and we think that to turn over the sugar producers of the United States to the devastation of this product, when the sole interest and result would be to enormously enrich the great corporations now holding, practically, monopolies of the manufacture of sugar, would be unjust and unwise as a matter of legislation, and we therefore recommend that the joint resolution lie upon the table.

The annexed official report from the Secretary of the Treasury exhibits the names of persons, firms, and corporations who paid the duties upon goods imported from Porto Rico and the sum paid by each. These are the funds which were the subject-matter of the proposition to refund to those who paid the same.

That is from the Republican party in the House of Representatives three years ago. Who is responsible for its change on the subject of reciprocity?

Mr. President, that report refers to American capital in Cuba. I stated yesterday that there was $80,000,000 of American capital in Cuba. The Government of the United States has published a document called "Commercial Cuba in 1903." It would be a very valuable statistical publication if it were not for the fact that the author of it seems to think he is bound to exploit some particular political or economic views. So he becomes the advocate of a reciprocity system. I shall try to show that he has misrepresented the facts, either through ignorance or intentionally, I do not know which. My own judgment is that whenever a statistical statement comes from the Treasury Department, or any other Department of the Government, it should be nonpartisan and not calculated to exploit any political or economic view. I read from page 381, if any Senator desires ever to look at it:

The intimate commercial relations between Cuba and the United States have naturally tended to attract United States capital to the island both before and since the achievement of its independence. This tendency became much strengthened during the period of intervention, and it is believed to be increasing constantly. An American writer and student of public affairs, who has carefully investigated this subject—Mr. Albert G. Robinson—published the results of his investigations in an article in the Review of Reviews of August, 1902, from which the following quotations are made.

I think there are some gentlemen here who know Mr. Robinson, and that he is a reliable man in this matter; at all events, the Government has indorsed his statements by putting them in an official document. This is Mr. Robinson's statement:

In 1894, the year preceding that of the insurrection, it was estimated that some $50,000,000 of American money was invested in various properties and enterprises in the island of Cuba. During the war period there was little or no increase of that amount. The estimates for the present time are in the vicinity of $80,000,000.

I want to stop here to repeat what I said yesterday, that when this matter was before the Committee on Relations with Cuba the Habana Club, composed of Americans, as I understand, telegraphed that nearly $80,000,000 of American capital was imperiled by our failure to pass that bill.

It is impossible under existing conditions to obtain exact figures, but this sum may be accepted as a fair approximation of American investments in Cuba at the present time. A part of this sum is represented by the holdings of nonresident investors, a part by the property of native-born Cubans who have become American citizens by naturalization, though their property

and their homes are in the island, and a part shows as the possessions, generally small in amount, of Americans who have gone to Cuba for permanent residence and business. * * *

The railway and development scheme of the Cuba Company, in which English and Canadian capital is associated with American capital, will open to settlement and productive cultivation an area, hitherto little more than a vast wilderness, of 12,000,000 to 15,000,000 acres of the richest land in one of the richest spots on the surface of the globe. * * *

I wish to say that the president of that company wrote a letter to the chairman of the Cuban Committee, in which he stated that they had bought 150,000 acres of that cheap land. He did not give the price, but I will venture to say that he did not pay above $3 an acre for any acre of it—

The total of American investment in Cuban sugar production is to-day probably not far from $40,000,000, about equally divided between Cubans who have taken out naturalization papers and those who are citizens of the United States by natural right. Of the amount held by the latter class, about two-thirds is of a standing which antedates the insurrection of 1895. This is represented by such estates as the Constancia and the Soledad, both near Cienfuegos.

Both of those have passed into the hands of the sugar trust, if the newspaper reports are to be credited.

These have been owned by native-born Americans for the last twenty or thirty years; $7,000,000 to $8,000,000 will probably fairly cover all American investment in Cuban sugar properties since the Spanish evacuation. * * *

The numerous (copper mining) properties (near Santiago) have now been bought up by American capital, represented by Messrs. Reed and Chanler, and they will soon be reopened. * * * The Spanish-American Iron Company, at Daiquiri, represents an investment of $3,000,000 of American money. * * * The Juragua iron mines represent another $1,500,000. * * *

In several sections, notably in the vicinity of Habana, Americans have bought tracts, some large and some small, for the cultivation of oranges, pineapples, and vegetables. * * *

Mr. President, there is some more of this, but it refers more particularly to the combinations which have been made in the tobacco business than to sugar. I think I will read some of it, nevertheless, because tobacco is included in this generous proposition of ours:

Nearly three years ago the Henry Clay and the Bock & Co., large cigar-manufacturing concerns, effected a consolidation of interests and bought up a number of other factories. The capital was English. American capital, some $6,000,000 in amount, sought a similar consolidation through an organization known as the Havana Commercial Company. This absorbed a large number of the factories which had not been taken in by the Henry Clay-Bock combination. Both of these organizations paid very high prices for the concerns which they purchased. During the month of May last (1902) there was incorporated under the laws of New Jersey a combination known as the Havana Tobacco Company. It is a branch of the so-called "tobacco trust," and its capitalization provides for $30,000,000 of common stock, $5,000,000 of preferred stock, and $10,000,000 in bonds. This organization takes over the Henry Clay-Bock combination, the Havana Commercial Company, and the Cabanas factory, thus giving it control of much the greater part, and practically all of the important part, of the Cuban cigar and cigarette trade. * * *

That will throw some light upon the anxiety of certain people in certain quarters to secure this concession.

The leaf-tobacco business of the island shows no located American capital. * * * A few Americans have settled in the tobacco regions and engaged in the cultivation of the Cuban leaf. * * *

Foreign capital, partly American, has purchased the street-railway system of Habana, and is planning extension in and around that city and construction in other cities. * * *

Americans have gone to Cuba with various minor interests representing in the aggregate several millions of dollars. These have met with varying success. A few have gone into commercial lines. * * * Americans have opened hotels, bar rooms, and boarding houses. American real-estate agents and speculators are also in evidence. * * *

Cuba should not be overlooked as a great field for legitimate enterprises well and conservatively managed. * * * Much is said about defective land titles in Cuba. There need be no apprehension on that score, if one retains, as he should and would at home, a duly competent legal adviser. Most of the titles are or can be made good and clean. * * * Cuba will reach her highest development when she becomes a land of small farmers, with such diversity of products as is readily possible with her soil and her climatic conditions. For years sugar and tobacco have been her great industries. With freer access to the American market there is no reason why these should not attain much larger proportions than they have yet reached; but Cuba must and will diversify her products. Many very promising lines are open to investors of large or small capital.

Mr. President, that is a conservative statement, and it supports the declaration I have made here as to the condition of Cuba and the claim I make that it is not necessary that we should go to its relief now or any other time—that it can and will take care of itself.

I wish to call attention briefly to the statement made by the statistician where he did not see fit to cite any authority, but forms his own conclusions and gives them to us. On page 380 of his document from which I have just read he refers to the reciprocity business, and then he goes on to say:

It is observable, therefore, that the total trade between Cuba and the United States, which had been in 1890 in amount about $67,000,000, amounted to nearly $103,000,000 in 1893, under the reciprocity arrangement, and that after the termination of that arrangement it descended to less than $66,000,000 in 1895.

Mr. President, that statement is correct. The reciprocity arrangement was put into operation in 1892 and expired in 1894. During that time the exports from Cuba to the United States very materially increased, and to a very limited extent, but nothing in proportion to the increase of her exports, our exports to Cuba increased. In 1890 the imports into the United States from Cuba were $53,000,000, while our exports to Cuba were $13,000,000. The imports and exports were $66,886,000. That is the trade with Cuba to which he refers. That is a very large trade, or a considerable trade, but when you take into consideration the fact that out of the $66,886,000 we sold only about $13,000,000, it is not so very valuable a trade to us after all. There was a balance of trade against us that year of $40,717,000. It is true that in 1893 the whole trade had risen to nearly $103,000,000, or in exact amount to $102,864,204. It was made up in this way: Seventy-eight million, seven hundred and six thousand, five hundred and ninety-four dollars were imports from Cuba into the United States—imports on our part and exports on the part of Cuba. The exports from the United States to Cuba were $24,157,698. That left a balance of trade against the United States of $54,548,896. So we had a greater balance of trade against us under the reciprocity arrangement than we had when we did not have any reciprocity.

It is also true that the total trade in 1893 reached $85,000,000—to be exact, $84,704,428—a total very nearly equal to what is here stated. Cuba sent us $62,942,790—practically $63,000,000—and we sent Cuba $21,000,000, and there was that year against us a balance of trade of forty-one million and some thousands of dollars. So the balance of trade was greater against us when we had $85,000,000 as the whole trade, the imports and exports, than it was when it was $67,000,000.

Mr. President, I have said so much about the richness of Cuba that I have thought perhaps I ought to spend a moment or two in calling attention specifically to what Cuba can do. I have already said, and the report I read from the House declares the same thing, that Cuba's ability to raise sugar is practically unlimited. It is only a question of markets. She can raise the world's sugar if she could sell it. She can not, of course, furnish all parts of the world with sugar, and so it will probably never be a fact that she will raise all the sugar that is consumed in the world, but she can raise it.

I wish to call the attention of my friends from the South to the fact that Cuba has never been a cotton-raising country. Cotton grows wild in Cuba. You can see it growing on the roadside. It is a weed. You can see it growing in the woods if you go there. She can and will, if she is allowed to go on and exploit her sugar, when she reaches the possible market in this country, turn her attention then undoubtedly to raising cotton, especially if she is allowed to go on, as she will be under the bill that is now before the Senate and this treaty, and do her work with Chinese labor, as she did some years ago. She will be able to produce sugar so cheaply that no other part of the Western Hemisphere can produce it in competition with her.

Now, Cuba need not raise sugar alone. She exported last year $28,000,000 of tobacco, an export of tobacco alone that was practically a per capita export equal to our per capita export of all the exports from the United States. I do not want to stop to read it, but on page 394 of this report there is what is entitled "Proposed cultivation of sea-island cotton." This is the report of a special agent who was sent to Cuba by the Department to find out about the cotton business. Everybody understands that sea-island cotton is the most valuable cotton raised, and in Cuba, instead of planting it every year, the sea-island cotton can be allowed to grow four or five years. The only trouble with it, the expert says, is that it grows so high it would be difficult to pick; but he thinks that could be remedied by topping. I ask that this may be inserted in the RECORD.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Colorado? The Chair hears none.

The matter referred to is as follows:

PROPOSED CULTIVATION OF SEA-ISLAND COTTON.

The cultivation of cotton is being seriously considered, and the following report, made by an American cotton expert, on the suitability of land in Cuba for the successful raising of cotton, will perhaps more clearly explain the possibility of a great future here for this product:

DECEMBER, 1902.

After extensive examination of the farm lands in Pinar del Rio, which you commissioned me to inspect and report upon as to their adaptability and value for sea-island cotton raising, I beg to say that I consider the soil extremely well suited to the purpose, being of a rich, sandy loam, well watered and lying nicely.

Part of the land is under cultivation with tobacco and part in sugar cane. Several hundred acres are woodlands, with abundant timber for building purposes and fuel, but the greater portion of the tract appears to be recently cleared virgin soil of great fertility.

I would estimate that there is timber and fuel in sight for many years' supply.

I found cotton growing wild in the woods, without any cultivation, rich in block and full of open cotton and grown bolls. These trees appear to range from 1 to 5 years in age. The fruit blooms and forms on the younger plants all seemed to be in perfect growing condition, which is remarkable at this season of the year, and leads me to believe that they would thrive still better and bear still more abundantly in summer.

On my visits to cultivated farms in the island I have seen tape sea-island cotton planted from seed imported from Florida anywhere from fifteen days to four months old, and in every case the plants appeared healthy. Plants two weeks old were from 6 to 7 inches high; those four months old were from 4 to 6 feet in height, the latter weighed down with all the fruit the stalks could hold, from grown bolls to small forms, averaging eighty bolls and forms to the stalk.

With such a yield from a plant only four months old, I hesitate to estimate what the crop would be from a twelve-months-old tree, as the rapid increase

in the size of the stalk would cause it to bear much more fruit toward the latter part of the year.

I should make a conservative estimate at 500 mature bolls per tree for the first year, and should judge that every crop will be better until after the third or fourth year.

This would give a result of 4 pounds of seed cotton to the stalk in a year's growth, or about 3,000 pounds of seed cotton to the acre, which would net at least two 500-pound bales of lint cotton per acre.

The plants all appear to bear full and do not shed the young bolls, as they do in Georgia and Florida.

The staple is fine and silky and longer than the average sea-island cotton in the United States. The staple, furthermore, appears to me as strong as any of our finer class of cottons, and I believe would gain additionally in strength with the employment of a high-grade fertilizer, as has been the experience in the South.

I consider this variety superior to our east Florida cotton, and would sell cheap at from 18 to 21 cents per pound. I believe that after the third year the plant would grow so that the cotton would get out of reach, but this might be remedied by tapping.

I would recommend breaking ground as early as December, and planting in March, April, and May, bedding up the land, planting the seed on the crown of the beds, and allowing furrows between beds to drain off excess moisture during the heavy rains.

I also believe it will be necessary to cultivate and weed the ground frequently, as weeds appear to grow with great rapidity and thickness.

The insects I have noticed in the cotton fields are nothing as compared to what I have seen in Florida. I found our fireworm and caterpillar in the trees, but in numbers they are not worth mentioning. In Florida we kill these insects by sprinkling the bushes with a mixture of 1 tablespoonful of paris green to 1 gallon of corn meal, and I should think the same treatment, or perhaps a liquid solution of the same poison, would exterminate the insects equally well here.

I noticed that the tobacco plants on the island appeared to be attacked by the same insects as our tobacco in Florida, and I should judge the same equal conditions would apply to cotton.

In a word, I consider conditions in Cuba from every standpoint more favorable to the successful cultivation of cotton than conditions in the cotton belt of the United States, and that with proper preparation of the soil, careful selection of the seed, and frequent cultivation the sea-island cotton grown in Cuba will be far superior to our best varieties.

The native wild cotton resembles the Egyptian variety in texture, and has a clean, black seed, with a staple somewhat longer than our best uplands, but I would recommend the exclusive growing of sea-island cotton on your plantations, as the conditions of the soil there appear to me favorable to the successful raising of the choicest variety of long-staple cotton.

Mr. TELLER. It is impossible to say what population Cuba could sustain if she should put all her sugar land and her tobacco land and her cotton land in cultivation, but she could probably sustain a population greater than that of any two States in the Union to-day. I find in this document to which I have called attention an estimate made that it can sustain a population of 15,000,000. I have seen it placed very much higher. The island has an area of 45,000 square miles. It is a tropical country, surrounded by the sea. It never has any frosts. There have been, occasionally, hurricanes, but that is the only thing, and they are not very disastrous there. It is the best tropical climate in the world for a white man to live in, so far as I know. It can be just as healthy, when proper sanitary appliances are in vogue, as any of our Southern Atlantic States. It can produce everything that the States can—rice, sugar, tobacco—and the tropical fruits which they can not produce.

That brings me to the suggestion which the Senator from Illinois [Mr. CULLOM] made in his speech that we could get some of the rice trade of Cuba. We import rice. We can not export it. We can not raise rice in competition with Cuba if Cuba undertakes to raise rice. So profitable has been the sugar and tobacco business that the Cuban has not given his attention to any of these other articles.

Mr. President, this year we exported to Cuba about $20,000,000. I have not been able to get the exact amount, because one branch of the Government gives one and another gives another, and that arises, I suppose, from the fact that the reports are not made upon the same dates. One may give you the calendar year and the other may give you the fiscal year. So sometimes there is a little confusion. But the chairman of the Committee on Foreign Relations said that in 1903 it was $20,000,000. I think it is a trifle over that. Of that amount $4,000,000, or within a shade of that figure, is free. That leaves about $16,000,000 of dutiable products that go to Cuba which will be affected by this bill.

Now, some things go there that they can never raise. One is flour. They will buy flour of us because they can buy it cheaper of us than they can anywhere else, tariff or no tariff. But of all the years I have been able to find the amount of American farm products which have gone to Cuba $6,000,000 is the highest. A pretty large proportion of that was in flour and corn and products of that character.

The chairman of the committee spoke of the shoe business. They buy a very large amount of shoes. They buy them of Spain. We do not make shoes in this country that they like. We could, I suppose, if we would make the kind of shoes they want, but we have not done it, and I do not suppose we will. The trade is not large enough to induce our manufacturers to do it.

I have a table here that I want to refer to, if I can lay my hands on it, showing that there is a very large number of things going into Cuba now from the United States; that we have the market under the present condition, and we shall not get a greater market or a better price.

Cuba bought in three years $20,000,000 worth of textiles, calicoes, sheetings, and various things, practically cotton goods. Of that we sold $2,400,000 worth. We have not got that trade, Mr. President; we can not get that trade, either. The calico and the cotton goods of all kinds which come from England are sold at a price at which our manufacturers can not sell them, if they tell the truth about what it costs to make them. We shall not get the shoe trade, we will not get the cotton trade, we will not get the woolen trade, and we will not get it because the people of Europe can undersell us with this reduction of 20 per cent.

If we were to make a reciprocity treaty with Cuba it ought to be made upon a commercial basis, and the Senate ought to know whether the claim made by the chairman is true that if we change the law we will get all the great trade he speaks of. I do not believe we will.

I assert that the reciprocity treaty we had with Spain for Cuba and Porto Rico for three years did not materially increase our exports to Cuba, certainly nothing in comparison with what the Cuban exports increased with us. We need not pass this law in order to get their sugar. They will bring it to us because this is the best market for it, and the only market they have ever had until recently. They have sent some sugar this year to Europe. They sent 3,000 tons at one time to England, and that may be the beginning of some business of that kind, although I am somewhat doubtful. Until we produce our own sugar we will buy of Cuba, tariff or no tariff.

Mr. President, there is one phase of this bill that I want to speak of, and then I shall quit, because the Senator from Alabama [Mr. MORGAN] proposes to take the floor, and I do not desire to drive him into the latter part of the day. There are some things that I shall reserve to put in some day in the way of statistics. I do not want to do it this morning, because I can not look them over very well. I will do that when nobody else wants the floor.

Mr. President, there is one provision in this bill that the newspapers which have been anxious to secure the passage of the bill have endeavored to make the people of my section of the country believe would benefit them, and that is the provision that for the next five years this convention shall be in full force and we shall not change our tariff law so as to give any other nations in the world the benefit we are giving Cuba.

Is there anyone who does not know that such a provision has no legal weight? A writer on the power of Parliament, after declaring that Parliament had no limitations put upon it whatever—that it was a law unto itself—said, "However, Parliament can not bind the subsequent and succeeding Parliament, for it has been settled for many years that the last act repeals all acts contrary thereto." That has been the rule in this country. There is no legislative body in the world to-day that can bind its successors so that they may not exercise the functions that are given to them to make laws, and an important part of the making of laws is the repeal of laws. So that provision is simply buncombe. That is all there is of it. It is put in there as a sop to the beet growers of the North and the West.

Mr. President, I wish to say that if anybody believes that the beet growers of Colorado can be fooled into believing that that provision is to their advantage, and that the Senate and Congress would not, whenever they took a notion, repeal it, he does not know the class of people who occupy the great beet fields of the West.

When the now chairman of the Committee on Ways and Means of the House of Representatives was discussing the Dingley bill in the House, he said, "This law will never be changed for twenty-five years." At the very next session that committee sent in a proposed change to that bill. And this is certainly a change in that bill. So I do not need to talk about that except to say that as a Senator here I will withhold my vote from any bill, however satisfactory every other feature may be in it, that contains such a ridiculous provision.

Mr. President, we have a great number of treaties with the so-called favored-nation clause. I suppose we have forty treaties. I looked the other day and I have forgotten, but there are as many as forty treaties which say to the people we are dealing with, "We will deal with you just as we deal with every other nation in the world. Your goods shall come into our ports on the same rate of tariff, subject to the same restrictions, and no greater than those of other people."

That is a solemn obligation the United States have made with the world, and to-day we are deliberately going to say to the world, "We withdraw that promise." What reason will you give? If you say, because it is our interest to have closer commercial relations with Cuba than with you, you admit then that you are ready to violate your pledge and plighted faith for the purpose of gain. If you say to the world that we are going to do this because Cuba needs our fostering care, you know and the world knows, that it is not true, and we will stand when that bill is

signed by the President of the United States before the world as the repudiator of our public faith.

It may be that in these modern times it is not worth while to attempt to maintain public rectitude and justice and right. I begin to think sometimes, when I see the administration of public affairs in this country, that probity and honesty and justice are to be applied to individuals and individuals alone. It is as important that the nation we represent here should be honest before the world as it is that any member of this body should be honest before his constituents. If there was some great pressing necessity, if there was something that compelled us now to withdraw from these treaties I have mentioned as containing the favored-nation clause, we might be justified in giving to one people some advantages we deny to others. But, Mr. President, if you are going to do it, the right and honest way would be to say to every one of them through the State Department, "We withdraw the pledge to give you equal rights with other nations; we can not do it now," and tell them why.

I should like to have some Senator attempt to write that diplomatic letter. I should like to see some Secretary of State who could go before the world and tell them that we were breaking our plighted faith with them and give them a good reason for it, or attempt to give a reason of any kind, because it can not be done.

Mr. President, I am going to allow the Senator from Alabama to proceed, if he desires, and some day I should like to put in a matter of, I think, public interest, some of the statistics I have gathered as to the product of sugar in the different parts of the world, etc., which I can do at any time during the morning hour or at any time when nobody occupies the floor.

Mr. MORGAN. Mr. President, if I had the opportunity of making in the lunch room the remarks I propose to submit to the Senate I would be feeling very comfortable. Inasmuch as I see the honorable chairman of the Committee on Rules in his seat, who stays through all these times of emergency, I beg to suggest to him to bring in a rule that at the conclusion of the morning business the Senate will be in recess for one-half hour, to enable Senators to take the necessary refreshments, and to then return to the Senate Chamber, if they choose to do so, for the purpose of conducting the business. But this way of conducting the business of the Senate of the United States with only two or three Senators in their seats is not complimentary to the country nor is it complimentary to our own rules. I think it ought to be changed; wisdom, common sense, and propriety suggest the change.

In my conception, Mr. President, there have been very few measures before the Senate of the United States that, considering the surroundings, the present attitude of the Government of the United States financially and in its existing and proposed treaty relations, are so very important as the bill we are considering. We are in the habit of looking at it—we have been heretofore, at least—as a mere tariff act, the essence of which was the question of fair bargain in reciprocal arrangements of tariff duties. But this question reaches out, Mr. President, in the present situation into other realms of investigation that demand the most serious consideration of the Senate at this hour, as I conceive.

Mr. President, the commercial and industrial bearings of the bill before the Senate have been considered by Senators whose opinions and arguments are more impressive than anything I could advance, or that would not be a mere repetition of what they have said.

This is especially true of the discussion by the Senator from Colorado, whose industry and candor have brought to light conditions in Cuba that are in startling contrast with the official and unofficial statements upon which this measure is based. For one, I thank him for his earnest work and his frank and courageous candor in exposing the falsehoods that have been dinned into our ears.

Since this false pretense of benevolence for Cuba has been made to do duty as a mask to screen the secret work of the sugar trust and the owners of sugar estates in Cuba, who are putting up pleas of starvation in the name of those islanders, while they are robbing our people under the discriminative duties that are made virtually perpetual by this measure, the weeping of the crocodiles has nearly moved the whole country to tears.

Those gilded paupers are starving in palaces, far to the northeast, in the United States, and are working negroes and Chinese on their Cuban haciendas at what they assure us are starvation wages. So the starvation of the rich and the poor is the common fate of those who have died or must hereafter die of our benevolence.

There is another and far more important view of this measure that I wish to present, not in a mere metaphor, but in a most real and earnest statement of fact.

We are sending our argosies to Cuba ladened with benevolent offers of trade reciprocity, and the skies are stormy and the winds are high. Everything around us is dark with the threatenings of danger, and Cuba must be in doubt as to whether our vessels are not, after all, to be a fleet of war ships.

I would caution them to be on the outlook for our pretended bounty brokers and the songs of the sugar sirens.

I need not tell this Senate that I am an honest and true friend of Cuba and that I watch its careful progress toward the highest honor and the most perfect independence that any state can possess—our statehood in the American Union—with earnest good will.

I need not tell Estrada Palma that I am a true friend of Cuba. That pure and noble patriot learned this when he and I worked together, day and night, to redeem Cuba from Spanish despotism. But I do not wish that honest Cuban to be deceived or to raise his hands to repel our overtures of pretended benevolence and utter from his quivering lips the warning to his countrymen, "Timeo Danaos et dona ferentes."

The situation in the Caribbean Sea, the Gulf of Mexico, and their coasts and islands is the most involved problem and the most difficult of interpretation, justification, and solution that is now presented to the people of the United States, who have the sole responsibility for its existence and the undisputed power to settle it. This situation bears directly on this measure.

The Senate, especially, in considering this measure and several treaties that will, for a great while to come, cast the die of the destiny of this most important group of islands and states, can not afford to be indifferent or subservient.

There is no enemy in sight, no threat of opposition, no power to oppose the policy of the United States in Cuba, Porto Rico, Panama, or even Colombia; we are, indeed, monarchs "whose will there is none to dispute."

Yet we seem to be almost paralyzed with the burden of the task set before us.

Within our own halls of legislation the quietude and indifference of repose environs us, and no tolerance is given to anything that disturbs our serene composure, to invoke such sentiments as national honor or duty.

We seem to be as free to choose between good and evil as our first progenitors were, and we are on terms as confiding as they were with the influence and power of the serpent. He is here; but we confide in his honesty and dream of safety in a supreme moment of danger to our country.

In our present attitude we certainly have the full and free opportunity to move without constraint, except as conscience may impose it, and duty requires us to move with deliberation, caution, and courage.

Our judgment is free from fear in respect of the harm we may do to others, for there are none who are powerful enough to call us to account, if there are any who have the boldness to challenge our action in the name of justice, truth, honor, or mercy.

This is the zenith of the power of the Grand Republic. It can rise to no higher empyrean, at least above this hemisphere.

In this lofty attitude we can prove the virtue of the Republic before the eyes of all mankind, or we can set its light as a beacon to warn coming generations that, even in the highest reach of power and advantage, this Republic—the cynosure of all eyes—is affected to the core with the sin of covetousness and is aflame with the consequent lust of power that is attended with the usurpations, tyrannies, and oppressions that have marked the course of the oligarchs and despots who have disgraced the history of other nations.

We must now choose between them. Whether we will stand on the firm foundations our Republican fathers established as an honest, sincere, self-governing, law-abiding, law-obeying, and God-fearing people I know not. We seem to quiver in the wind, doubtful as to our course.

For one, if I know the road that our fathers trod I will follow it. I will not willingly depart from it. So mean a temptation as a commercial advantage will not induce me to stain the honor of my State by giving my vote for measures that I know to be unjust to our people and are intended to perpetuate those wrongs indefinitely and irreclaimably.

Beginning with the President of the United States and descending to the poorest man among us, I know of but one rule that secures peace and justice to all the people and to each individual. It is that all alike shall render just obedience to the laws of the land.

Above all, for example's sake and for the sake of our oaths, this duty of obedience rests most heavily upon our sworn officers, to whom we have confided the great powers and duties established in the Constitution.

The one monster evil of the times is the general indifference to the duty of obedience to the law and a contempt for its mandates.

Our Supreme Court has had this subject before them for adjudication and, understanding the gravity of the matter, they thus speak of it.

The leading and conclusive authority on the question of the right of the President to set aside, disregard, ignore, or violate a law of Congress, or to act in any manner without the authority of law, is the great case of Kendall *v.* The United States, reported in 12 Peters. I will read from pages 610, 611, and 612 of that decision:

Let us proceed, then, to an examination of the act required by the mandamus to be performed by the Postmaster-General; and his obligation to perform or his right to resist the performance must depend upon the act of Congress of the 2d of July, 1836. This is a special act for the relief of the relators, Stockton & Stokes; and was passed, as appears on its face, to adjust and settle certain claims which they had for extra services, as contractors for carrying the mail. These claims were, of course, upon the United States, through the Postmaster-General.

The real parties to the dispute were, therefore, the relators and the United States. The United States could not, of course, be sued, or the claims in any way enforced against the United States without their consent obtained through an act of Congress; by which they consented to submit these claims to the Solicitor of the Treasury to inquire into and determine the equity of the claims and to make such allowance therefor as upon a full examination of all the evidence should seem right, according to the principles of equity. And the act directs the Postmaster-General to credit the relators with whatever sum, if any, the Solicitor shall decide to be due to them for or on account of any such service or contract.

The theory of the Constitution undoubtedly is that the great powers of the Government are divided into separate departments, and so far as these powers are derived from the Constitution the departments may be regarded as independent of each other; but beyond that all are subject to regulations by law touching the discharge of the duties required to be performed.

The executive power is vested in a President, and as far as his powers are derived from the Constitution he is beyond the reach of any other department, except in the mode prescribed by the Constitution through the impeaching power. But it by no means follows that every officer in every branch of that department is under the exclusive direction of the President. Such a principle, we apprehend, is not, and certainly can not, be claimed by the President.

There are certain political duties imposed upon many officers in the executive department, the discharge of which is under the direction of the President. But it would be an alarming doctrine that Congress can not impose upon any executive officer any duty they may think proper which is not repugnant to any rights secured and protected by the Constitution, and in such cases the duty and responsibility grow out of and are subject to the control of the law and not to the direction of the President; and this is emphatically the case where the duty enjoined is of a mere ministerial character.

In Little *v.* Barreme (2 Cranch, 179) Chief Justice Marshall says:

It is by no means clear that the President of the United States, whose high duty it is to "take care that the laws be faithfully executed," and who is Commander in Chief of the Armies and Navies of the United States, might not, without any special authority for that purpose, in the then existing state of things, have empowered the officers commanding the armed vessels of the United States to seize and send into port for adjudication American vessels which were forfeited by being engaged in this illicit commerce.

But when it is observed that the general clause of the first section of the act, which declares that "such vessels may be seized and may be prosecuted in any district or circuit court which shall be holden within or for the district where the seizure shall be made," obviously contemplates a seizure within the United States, and that the fifth section gives a special authority to seize on the high seas and limits that authority to the seizure of vessels bound or sailing to a French port, the legislature seemed to have prescribed that the manner in which this law shall be carried into execution was to exclude a seizure of any vessel not bound to a French port. Of consequence, however strong the circumstances might be which induced Captain Little to suspect the *Flying Fish* to be an American vessel, they could not excuse the detention of her, since he would not have been authorized to detain her had she been really American.

It was so obvious that if only vessels sailing to a French port could be seized on the high seas that the law would be very often evaded, that this act of Congress appears to have received a different construction from the Executive of the United States, a construction much better calculated to give it effect. A copy of this act was transmitted by the Secretary of the Navy to the captains of the armed vessels, who were ordered to consider the fifth section as a part of their instructions. The same letter contained the following clause:

"A proper discharge of the important duties enjoined on you, arising out of this act, will require the exercise of a sound and an impartial judgment. You are not only to do all that in you lies to prevent all intercourse, whether direct or circuitous, between the ports of the United States and those of France or her dependencies where the vessels are apparently as well as really American and protected by American papers only, but you are to be vigilant that vessels or cargoes really American but covered by Danish or other foreign papers and bound to and from French ports do not escape you."

These orders, given by the Executive, under the construction of the act of Congress made by the Department to which its execution was assigned, enjoin the seizure of American vessels sailing from a French port. Is the officer who obeys them liable for damages sustained by this misconstruction of the act, or will his orders excuse him? If his instructions afford him no protection, then the law must take its course, and he must pay such damages as are legally awarded against him. If they excuse an act not otherwise excusable, it would then be necessary to inquire whether this is a case in which the probable cause which existed to induce a suspicion that the vessel was American would excuse the captor from damages when the vessel appeared in fact to be neutral.

I confess the first bias of my mind was very strong in favor of the opinion that though the instructions of the Executive could not give a right, they might yet excuse from damages. I was much inclined to think that a distinction ought to be taken between acts of civil and those of military officers, and between proceedings within the body of the country and those on the high seas. That implicit obedience which military men usually pay to the orders of their superiors, which, indeed, is indispensably necessary to every military system, appeared to me strongly to apply the principle that those orders, if not to perform a prohibited act, ought to justify the person whose general duty it is to obey them, and who is placed by the laws of his country in a situation which, in general, requires that he should obey them.

I was strongly inclined to think that where, in consequence of orders from the legitimate authority, a vessel is seized with pure intention the claim of the injured party for damages would be against that government from which the orders proceeded, and would be a proper subject for negotiation. But I have been convinced that I was mistaken, and I have receded from this first opinion. I acquiesce in that of my brethren, which is that the instructions can not change the nature of the transaction nor legalize an act which, without those instructions, would have been a plain trespass.

In the case of Tracy & Balestier *v.* Swartout (10 Peters) the court say:

The Secretary of the Treasury is bound by the law, and although in the exercise of his discretion he may adopt necessary forms and modes of giving effect to the law, yet neither he nor those who act under him can dispense with or alter any of its provisions. It would be a most dangerous principle to establish, that the acts of a ministerial officer, when done in good faith, however injurious to private rights and unsupported by law, should afford no ground for legal redress. The facts of the case under consideration will forcibly illustrate this principle. The importers offer to comply with the law by giving bond for the lawful rate of duties, but the collector demands a bond in a greater amount than the full value of the cargo. The bond is not given, and the property is lost, or its value greatly reduced, in the hands of the defendant. Where a ministerial officer acts in good faith for an injury done he is not liable to exemplary damages, but he can claim no further exemption where his acts are clearly against law.

In the United States *v.* Reynes (9 Howard, 151) the Supreme Court says:

It may now be properly asked, What, then, are the grants, titles, or other rights protected by the third article of the treaty between the United States and the French Republic, of the 30th April, 1803, and by the acts of Congress of 1824 and 1844, referring to that treaty, and to previous acts of the Spanish Government? The third article of the treaty of Paris of 1803 is in these words:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

The term "property" in this article will embrace rights, either in possession or in action; property to which the title was completed or that to which the title was not yet completed, but in either acceptation it could be applied only to rights founded in justice and good faith, and based upon authority competent to their creation. The article above cited can not without the grossest perversion be made either to express or to imply more than this.

According to this just and obvious rule of interpretation, the treaty of Paris of April 30, 1803, by any reference it could be supposed to have to titles or claims derived from Spain, could embrace such only as have their origin whilst Spain was the rightful sovereign over the territory; a period which, by the most liberal extension of her power, can not be carried further than the 15th of October, 1802, the date of the royal order of Barcelona.

I have read that as a sort of predicate, a very brief predicate indeed, for the facts upon which this opinion was based, as follows:

Without stopping to remark upon the caution which should ever be manifested in the admission of claims which, if not founded in violence or in mere might, yet refer us for their origin certainly not to regular unquestioned legal or political authority, it may be safely said that claims founded upon the acts of a government de facto must be sustained, if at all, by the nature and character of such acts themselves, as proceeding from the exercise of the inherent and rightful powers of an independent government. They can never be supported upon the authority of such a government, if shown to have originated in a violation of its own compacts and in derogation of rights it had expressly conceded to others.

Every claim asserted upon wrong, such as this latter position implies, would be estopped and overthrown by alleging the compact or concession it sought to violate. Thus, if Spain, by the treaty of St. Ildefonso, did in truth cede to France the lands lying between the Mississippi and Perdido, she could not as a government de jure or de facto without the assent of the United States, possessing all the rights of the French Republic, make subsequent grants of the same lands either to communities or to individuals. Her grants could not be regarded as the inherent, competent, and uncommitted proceedings of an independent government de facto. They would be met and made null by her own previous acknowledgment.

In the case of Gelston *v.* Hoyt the Supreme Court say:

It is to be recollected that this third plea does not allege any forfeiture nor justify the taking and detaining of the ship for any supposed forfeiture, and that it does not allege that the President did employ any part of the land or naval forces or militia of the United States for this purpose, or that the original defendants or either of them belonged to the naval or military forces of the United States, or were employed in any such capacity, to take and detain the ship in order to the execution of the prohibitions and penalties of the act.

But the argument is, that as the President had authority by the act to employ the naval and military forces of the United States for this purpose, a fortiori, he might do it by the employment of civil force. But upon the most deliberate consideration we are of a different opinion. The power thus intrusted to the President is of a very high and delicate nature, and manifestly intended to be exercised only when, by the ordinary process or exercise of civil authority, the purposes of the law can not be effectuated. It is to be exerted on extraordinary occasions and subject to that high responsibility which all Executive acts necessarily involve.

Whenever it is exerted all persons who act in obedience to the executive instructions in cases within the act are completely justified in taking possession of and detaining the offending vessel and are not responsible in damages for any injury which the party may suffer by reason of such proceeding. Surely it never could have been the intention of Congress that such a power should be allowed as a shield to the seizing officer in cases where that seizure might be made by the ordinary civil means. One of the cases put in the section is where any process of the courts of the United States is disobeyed and resisted, and this case abundantly shows that the authority of the President was not intended to be called into exercise unless where military and naval force were necessary to insure the execution of the law.

In terms the section is confined to the employment of military and naval forces, and there is neither public policy nor principle to justify an extension of the prerogative beyond the terms in which it is given. Congress might be perfectly willing to intrust the President with the power to take and detain whenever, in his opinion, the case was so flagrant that military or naval force were necessary to enforce the laws, and yet, with great propriety, deny it where, from the circumstances of the case, the civil officers of the Government might, upon their private responsibility, without any danger to the public peace, completely execute them. It is certainly against the general theory of our institutions to create great discretionary powers by implication, and in the present instance we see nothing to justify it. The third plea is, therefore, for this additional reason bad in its very substance, and the State court was right in giving judgment on the demurrer for the original plaintiff.

In the utterances I have read from our Supreme Court is found a guaranty of the rights and liberties of the people against the unlawful assumption of power not granted by law under the Constitution that curbs the Chief Executive and compels him to obey the law. Even in cases where wrong and oppression reach forth a hand of supplication and the victims cry out for relief the President must wait until Congress has given him the requisite authority before he can act. He does not make the laws. He only executes them, and he must obey them.

And in cases where his powers are given by direct grant of the Constitution, and include a wide discretion, if the law requires him to do a certain thing in the execution of its lawful command he must obey. He can not fall back upon a supposed discretion as a pretext to justify his disobedience.

All the power of the law is, in some cases, placed in the hands of the President by the express terms of the Constitution, but never otherwise than by an express grant. In such express grants of power he has corresponding discretion in their execution, but his discretion must be honestly and lawfully used. To compel this the President is liable to impeachment, after due trial, in a mode prescribed by the Constitution.

That power, in every sense a judicial power, stands over the President to enforce his obedience to the law of the land.

There was discussion in the House on this bill that is renewed in the Senate as to the power of the President and the Senate to enact a law in the form of a treaty that estops Congress from inquiring into its merits or its validity. As Congress can repeal any treaty, this discussion seems to be of little importance.

The one feature of the Constitution that has been claimed as giving a prerogative and uncontrollable power to the President is as follows:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

On that subject I wish to read a very few extracts from some of the most important writings of our great statesmen in the United States, where they were acting officially as Secretary of State. In the letter of Mr. Evarts to Mr. Delmonte, February 19, 1880, he says:

TREATY POWERS—SIGNING A TREATY NO GUARANTY OF RATIFICATION.

Mere signing by the Executive of a treaty containing a clause for its ratification in the usual form is no guaranty that the treaty should be ratified, nor does the payment of an installment of money by the Executive, as a preliminary payment under such a treaty which provides for a lease of foreign property, bind the Government to future payments.

I shall now read from Mr. Calhoun in his Discourse on Government, volume 1, page 201. In quoting from Mr. Calhoun, Mr. President, I do it with reverential regard for his great abilities and his absolute purity of heart and conscience. Others may not so esteem him on account of some acts in his career considered to have been rash, but there is not one scar upon the reputation of that great man which in the least affects any opinion that he ever expressed in his attitude as a Senator on this floor or in his character as Secretary of State. He says:

THE TREATY POWER IS LIMITED BY THE CONSTITUTION.

The treaty-making power is limited by all the provisions of the Constitution which inhibit certain acts from being done by the Government. It is also limited by such provisions of the Constitution as direct certain acts to be done in a peculiar way, and which prohibit the contrary, of which a striking example is to be found in that which declares that no money shall be drawn from the Treasury but in consequence of appropriations to be made by law.

This not only imposes an important restriction on the power, but gives to Congress as the law making power, and to the House of Representatives as a portion of Congress, the right to withhold appropriations, and thereby an important control over the treaty-making power, whenever money is required to carry a treaty into effect, which is usually the case, especially with reference to those of the most importance. There still remains another and more important limitation, but of a more general and indefinite character. It can enter into no stipulation calculated to change the character of the Government, or to do that which can only be done by the Constitution-making power, or which is inconsistent with the nature and structure of the Government.

In a citation by Mr. Evarts from Kent I find the following:

IF A TREATY REQUIRES ANY ACT WHICH CAN NOT BE DONE WITHOUT LEGISLATION, CONGRESS MUST LEGISLATE.

If a treaty requires the payment of money, or any other special act, which can not be done without legislation, the treaty is still binding on the nation, and it is the duty of the nation to pass the necessary laws. If that duty is not performed the result is the breach of the treaty by the nation, just as much as if the breach had been an affirmative act by any other department of the Government. Each nation is responsible for the right working of the internal system by which it distributes its sovereign functions, and as foreign nations dealing with it can not be permitted to interfere with or control these, so they are not to be affected or concluded by them to their own injury. (See Kent, i, 165-166; Heffter, 84; Vattel droit des gens, liv, iv, ch. 2-14; Halleck, 854.)

That is the strongest statement, according to my examination and reading, that any person has ever made in favor of the doctrine that the Government is bound by a treaty concluded and ratified by the Senate in honor and in conscience to make the appropriations that are provided for in that treaty, it makes no difference how much Congress may consider that that treaty is out of line with our form of government and its antecedents, or how much they may believe it would injuriously affect the interests of our people.

I take the liberty of saying on my part that I believe it is perfectly true that in respect of every treaty enacted by the President and the Senate in concurrence with some foreign power, like the Republic of Panama, for instance, which is thereby made the supreme law of the land, Congress has got a conscientious right to say that any sum of money which you have promised must undergo investigation and scrutiny here just as if no treaty had ever been made, for we can deny the competency of one of the parties to this legislation to make supreme laws to govern the people of the United States. When you look upon the treaty power of a foreign country in that light, and come to measure up its moral, legal, or any other right to enact supreme laws to govern the United States, you can not be estopped by the assertion that the President, in his negotiations and his recognition of that authority or that government, has bound you to appropriate that money and recognize that government in spite of all its infirmities.

I read now from a German writer of great ability a commentary upon these features of our Constitution:

TREATY CAN NOT EVADE THE CONSTITUTIONAL PREROGATIVES OF THE LEGISLATURE.

That a treaty can not evade the constitutional prerogatives of the Legislature is thus illustrated by a German author, who has given to the subject a degree of elaborate and extended exposition which it has received from no writer in our own tongue.

I quote this from page 26 of the Digest by Wharton on International Law:

Congress—

He says—

Congress has under the Constitution the right to lay taxes and imposts, as well as to regulate foreign trade, but the President and Senate, if the "treaty-making power" be regarded as absolute, would be able to evade this limitation by adopting treaties which would compel Congress to destroy its whole tariff system. According to the Constitution, Congress has the right to determine questions of naturalization, of patents, and of copyright. Yet, according to the view here contested, the President and Senate, by a treaty, could on these important questions utterly destroy the legislative capacity of the House of Representatives. The Constitution gives Congress the control of the Army. Participation in this control would be snatched from the House of Representatives by a treaty with a foreign power by which the United States would bind itself to keep in the field an army of a particular size.

The Constitution gives Congress the right of declaring war. This right would be illusory if the President and Senate could by a treaty launch the country into a foreign war. The power of borrowing money on the credit of the United States resides in Congress. This power would cease to exist if the President and Senate could by treaty bind the country to the borrowing of foreign funds. By the Constitution "no money shall be drawn from the Treasury but in consequence of appropriations made by law;" but this limitation would cease to exist if by a treaty the United States could be bound to pay money to a foreign power. * * *

Congress would cease to be the law-making power as is described by the Constitution; the law-making power would be the President and the Senate. Such a condition would become the more dangerous from the fact that treaties so adopted, being on this particular hypothesis superior to legislation, would continue in force until superseded by other treaties. Not only, therefore, would a Congress consisting of two Houses be made to give way to an oligarchy of President and Senate, but the decrees of this oligarchy, when once made, could only be changed by concurrence of President and of Senatorial majority of two-thirds.

I will insert in my remarks a few brief extracts from the Federal authorities and judicial tribunals, which it is unnecessary for me to read, in support of the proposition which I have just been discussing.

The informal agreement between the United States and Great Britain, limiting their respective forces on the Lakes, is conditioned, so far as concerns the United States, upon Great Britain maintaining scrupulous neutrality in respect of war, civil or otherwise, in which the United States is concerned, and of which the Lakes may be the theater. (Mr. Seward, Secretary of State, to Mr. Adams, Oct. 24, 1864.)

The court can not supply a casus omissus in a treaty any more than in a law. By the treaty with Spain in 1795 free ships were to make free goods; and in the seventeenth article it was provided that a passport issued in accordance with the form annexed to the treaty should be conclusive proof of the nationality of the vessel. There being, in fact, no form annexed, it was held that the proprietary interest of the ship must be determined according to the ordinary rules of prize courts, and if shown to be Spanish property, that the cargo was protected from liability.

VESTED RIGHTS COVERS ONLY THE RIGHTS WHICH EMANATED FROM PRIOR RIGHTFUL SOVEREIGN.

A guaranty in a treaty of cession of vested rights in the ceded territory covers only rights which emanated from a prior rightful sovereign. (See United States *v.* Reynes, 9 H., 153; United States *v.* Pillerin, 13 How., 9.)

Whether a sovereign had the power, in making a treaty, to annul a grant can not be examined in the courts of the United States, the President and Senate having treated with him as having that power. (Clark *v.* Braden, 16 How., 635.)

TREATY TO BE REGARDED AS AN ACT OF THE LEGISLATURE.

The words "confirmed by law" mean confirmation by the act of that power which under our system enacts laws. A confirmation by treaty is a confirmation by law, inasmuch as a treaty is to be regarded as an act of the legislature, whenever it operates without the aid of a legislative provision. (Wharton's Digest of International Law.)

CONSTITUTION SUPREME OVER TREATY POWER.

The Constitution is to prevail over a treaty where the provisions of the one come in conflict with the other. It would be difficult to find a reputable lawyer in this country who would not yield a ready assent to this proposition. (Mr. Marcy, Secretary of State, to Mr. Mason, Sept. 11, 1854.)

TREATY PROVISIONS ARE MUNICIPAL LAW.

The result of several late decisions in this country, as well as two, at least, of the opinions of the Attorneys-General, seem to lead to the conclusion that an act of Congress of a later date than a treaty, although in violation of its terms, must be obeyed as municipal law within the country, although in no manner binding on the foreign state, and although it in no manner affords a sufficient excuse for a violation of treaty provisions. (Mr. Fish, Secretary of State, to Mr. Cushing, Feb. 13, 1877.)

Tnis treaty-making power is the basis of every question that arises in the measure now before the Senate. It is also the basis of every governmental act of the United States that has been or is connected with our present relations with Cuba, Porto Rico, Colombia, and Panama, with all the vast consequences and responsibilities seen and as yet unseen that spring out of those treaty relations.

It is the power for evil or for good that has created conditions in respect of government and obedience to law that now so seriously threaten our relations with all Spanish-American states.

Time may not end until these results may be fully realized; and to Congress belongs their patient, honest, and just consideration and their final determination.

I repeat that conscience is now free to act on these conditions without any present apprehension of pressure or danger from any quarter to warp our judgment or to alarm our fears. In this propitious time it should not be said of us by posterity that we turned aside from the line of duty or honor to reap some tempting harvest of covetousness or to gratify the ambitious hopes of anyone, however powerful, or to obey the will and do the behests of some coterie or oligarchy that may combine to wield the powers of government in the Senate or in a political party.

The belief in the existence of such combinations in the Senate to which, if they exist, the President must be a party, is disclosed in a very extraordinary provision in this bill, as follows:

And provided further, That nothing herein contained shall be held as an admission on the part of the House of Representatives that customs duties can be changed otherwise than by act of Congress originating in said House.

As an enactment this proviso is confessedly without effect. As a counter declaration of powers alleged to have been unlawfully assumed by the President and the Senate, as a treaty-making power, to originate revenue bills, it is of most significant importance, and illustrates some dangers I will presently endeavor to point out in the assumption by the President of treaty-making powers without the consent of Congress.

When a rebuke like this is given to the President by his political followers in Congress it can not be complained of that one not of his party in the Senate should inquire into other like abuses of power in matters of far greater importance.

The House made a timely and necessary protest against the Presidential abuse of the power to make the treaty mentioned in this act, but it should have had the grace to express this grave declaration in a concurrent resolution, so as to save the President the humiliation of being forced to sign his own condemnation or else veto the bill.

If this censure stood by itself I would vote for it, because I believe it to be both just and timely. It will have to be extended in time to other measures cognate to the one before the Senate, that seem to be kept in the background until this bill is disposed of, if Congress still insists upon asserting its rightful powers of participating with the President and the Senate in making treaties that are not completely self-executing and must have the help of Congress before they can become the supreme law of the United States.

The President and the Senate, as the legislative enactors of the supreme law of the United States, in conjunction with foreign powers—some of them very disreputable—seem to have taken a fright at our National Legislature, and exclude it, when possible, from the jurisdiction of Congress. It may not be convenient now to have this story repeated, but no Administration measure has ever had such a race for life as this Cuban scheme. If the American owners of sugar estates in Cuba and the sugar trust had not united to force this benediction on Cuba, its foreordained death in the House of Representatives in the Fifty-seventh Congress would have ended it.

But the treaty-making power was applied to for the enactment of a reciprocal revenue bill as the supreme law of the land, and the leaders of the Senate could not refuse the opportunity to exercise absolute power, and they, with Cuba and the President, originated a law to tax the people. It is here, slightly disfigured in this bill, with crepe on it. The Committee on Foreign Relations assigned it to a ward in the hospital for weak republics. The Committee on Foreign Relations and the chairman of the Finance Committee, remembering his great minority report on the Hawaiian case, concluded that it was his business to stand aloof and let its new nurses take charge of this bill. So it came back to the Senate from the Committee on Foreign Relations, the first tariff bill that ever was considered there, so far as I know.

Before further proceeding to discuss the features of this bill that affect very seriously our municipal or domestic relations or policy I desire to call attention to some projects of treaty making and legislation, now in process of completion, that may, and I believe will, compel Cuba to refuse to make provision "to give full effect," as required by this act, "to the articles of the convention between the United States and the Republic of Cuba" of the 11th of December, 1902. These difficulties have grown out of conditions that Mr. McKinley never contemplated and had no agency in creating, and which he would have spurned, when he offered reciprocity to Cuba.

Cuba, it seems, is still at liberty under this act to refuse to give full effect to its operation, as no time is fixed for her consent to the act so that it can become an operative law, binding on the revenue officers of both Governments.

Our act of Congress, if this bill passes, will be in a state of suspense during the five years, "in nubibus," as the lawyers phrase the situation. It can not be made effective within our own country until Cuba has accepted it. We postpone all our benefits and advantages that are supposed to result to our people from this act to await the pleasure or the adroit policy of Cuba to force us to make concessions to her on still other policies that are in course of arrangement.

I refer to the Pine Island treaty and to the general treaty required to be made by the Platt amendment.

No time is fixed in this bill within which Cuba is to do anything toward making it effective or operative.

Our only hope of having the benefits of this act of the "benevolent assimilation" of tariff laws is the resort by the President to the strategic dissimulation that has won him great notoriety in his substitution of the Army and Navy, and of his strenuous will and the facile subordination of his followers, under the precedent of the contemptuous disregard of the law known as the Spooner law, in his dealings with canal questions.

This clause in the bill under discussion may turn out to be a Spooner-bill clause, to be obeyed or disobeyed, at the will of the President. I will quote it:

That whenever the President of the United States shall receive satisfactory evidence that the Republic of Cuba has made provision to give full effect to the articles of the convention between the United States and the Republic of Cuba, signed on the 11th day of December, in the year 1902, he is hereby authorized to issue his proclamation declaring that he has received such evidence, and thereupon on the tenth day after exchange of ratifications of such convention between the United States and the Republic of Cuba, and so long as the said convention shall remain in force, all articles of merchandise being the product of the soil or industry of the Republic of Cuba which are now imported into the United States free of duty shall continue to be so admitted free of duty, and all other articles of merchandise being the product of the soil or industry of the Republic of Cuba imported into the United States shall be admitted at a reduction of 20 per cent of the rates of duty thereon, as provided by the tariff act of the United States, approved July 24, 1897, or as may be provided by any tariff law of the United States subsequently enacted. The rates of duty herein granted by the United States to the Republic of Cuba are and shall continue during the term of said convention preferential in respect to all like imports from other countries.

Cuba may conclude that there is a Spooner-bill clause in all our acts of Congress relating to the Spanish-American republics that even sanctions the repudiation by the President of any clause in an act of Congress while confirming other clauses, and may hasten to do what is required of her, and thereby avoid a visit of our practice fleet, now in southern waters.

By acting promptly, Cuba may still enjoy the hollow mockery of being a free, sovereign, and independent State for a season. If she delays her action on this measure, she had as well cast her proud titles into the sea and confess the simple truth that she is only a dependent province of the United States, under the Platt amendment to a very suggestive army appropriation bill.

Cuba's independence is now fettered with ropes or chains that bind her to the decks of our war ships, as the air ship of Professor Langley is fastened to the deck of his house boat.

The simile will become historically accurate, as well as apt, if Cuba ever attempts to lift herself into the atmosphere of actual independence by claiming "a reasonable time" within which she will consider the interests and welfare of her own people as to this measure.

With a Platt amendment to define and limit her sovereignty and independence, and a license of interpretation and repudiation, such as the President has exercised under the Spooner law, and with the Navy under his orders as Commander in Chief, with no acknowledged responsibilities, how long can Cuba be indulged in the consideration of the question, whether she will conform her tax laws to the requirements of this bill?

Why should we accord this privilege to Cuba, without limit of time, and keep our commercial relations with that great island in a state of doubt and anxiety until she sees proper to ease this very dangerous and distressing situation by her acceptance of the provisions of this bill?

What reliance have we for a settled basis of trade with Cuba if Cuba is really free to deliberate on the acceptance of this law

before she consents that it shall become operative, here and in Cuba?

I will state the only reliance we can count upon to compel Cuba to come to terms: It is Presidential coercion!

If this was not the reliance of the statesmen who framed this bill in the House of Representatives, they would not have omitted, deliberately or carelessly, to fix a period at which the consent of Cuba should be given, that the full, effectual, and reciprocal operation of this law should be complete.

I am driven to the conclusion, therefore, that those eminent statesmen knew what they were doing when they framed this bill and passed it under the coercion of a rule of the House and how it would be enforced if Cuba should prove to be recalcitrant. They must have looked to a Panama intervention as the quickest and most certain means of enforcing our rights under the treaty mentioned in this bill.

They knew, at least, that come what might they were adding a new jewel to the crown of imperialistic powers that the President has assumed and is inscribing on the banners of the Republican party as its "bright particular star." This was glory enough for one day.

If Cuba does not act promptly, Cuba must be compelled to act. A "reasonable time" is all that can be allowed her, to be determined by the President, with his elastic standard, although no time is mentioned in the law. If she does not act promptly, the President will repeal the law, or a clause of it, at his option, and proceed to enforce his will, as he repealed clauses in the Spooner bill on a pretext that is not even plausible. His party can rely on him to have his way and he can rely on them to obey his will, so a happy harmony is certain to prevail under their recent adoption of the old maxim that "where there is a will, there is a way."

In respect of the importation of competitive sugar from Hawaii and the Philippines, Cuba is now protected by the railroad rates of freight across the continent and by the discriminative rates of freight now in force on the Panama Railroad. These rates are quite equal to the reduction on sugar and other products which are common to all these islands that is provided for in this bill.

This may all be changed in a trice, and it will be changed if the Senate shall ratify a treaty with Panama which is reported as being on its way to this capital.

The grotesque character of that treaty will not deceive Cuba into the belief that it is impossible of ratification by the Senate or that Congress will not give effect to it by necessary legislation, whatever may be the cost to the people of the United States.

When Cuba considers the tragic solemnities that have attended the birth of the Republic of Panama, and the fact that that Republic has already sent her a secret diplomatic agent, she will not regard this treaty as a ludicrous act in a French vaudeville, but will look carefully into its provisions and will quickly discern its disastrous effects on the cut we are offering her in this bill on sugar and other native productions of her islands.

That the Democrats in this body and elsewhere may not become a party to the deceptive offer of benevolence we are supposed to be making to Cuba in this bill, and that Cuba shall never have occasion to charge that party with bad faith, I will read to the Senate a copy of the treaty which was to be sent to Congress with the President's annual message on the 7th of November, 1903. I give it as it was printed in the New York Sun of November 21. The treaty sent in with the message of the President on yesterday seems to have been placed in the secret archives of the Senate and has not been printed for public use.

Mr. CULLOM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Illinois?

Mr. MORGAN. Certainly.

Mr. CULLOM. The treaty was submitted to the Senate in executive session, ordered printed, and referred to the Committee on Foreign Relations, where it is now.

Mr. MORGAN. Is it a public document?

Mr. CULLOM. It is not a public document.

Mr. MORGAN. That is what I was saying.

Mr. CULLOM. It was ordered printed in secrecy.

Mr. MORGAN. I am in a public assemblage here, not in a secret conclave, and I am compelled to go upon such information as has been given to the public.

Mr. CULLOM. Do I understand the Senator to say that he is about to read from the New York Sun and not from the treaty?

Mr. MORGAN. I shall read from the New York Sun. I do not know what the House has done with this document that the Senate seems to regard as an executive or confidential communication. So I must take the Sun's copy as being correct, as I have no doubt it is. I have that copy here. It is lengthy. I wish to be excused from reading it because I shall make comments upon some portions of it which will appear in quotations in my remarks. I should like to have the opportunity of inserting it in my remarks without the labor of reading it just now.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Alabama.

The matter referred to is as follows:

[The New York Sun, Saturday, November 21, 1903.]

CANAL TREATY TEXT—SOVEREIGN RIGHTS GRANTED OVER ISTHMIAN STRIP—FREE PORTS AT EACH END—CITIES OF PANAMA AND COLON NOT INCLUDED IN THE GRANT—THE UNITED STATES GUARANTEES THE INDEPENDENCE OF THE NEW REPUBLIC—CANAL TO BE NEUTRAL—PANAMA TO GET $10,000,000 IN CASH AND $250,000 A YEAR AFTER NINE YEARS—WILL LEASE OR SELL US NAVAL STATIONS IF THEY ARE DESIRED—PROVISION FOR SANITARY REGULATIONS.

WASHINGTON, *November 20.*

Following is the treaty between the United States and the Republic of Panama for the construction, maintenance, operation, sanitation, and protection of a ship canal across the Isthmus of Panama, and the use, occupation, and control in perpetuity of a zone of land through which the canal will be dug, signed at Washington on November 18, by Secretary of State Hay for the United States and Minister Bunau-Varilla for the Republic of Panama.

The United States of America and the Republic of Panama being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific oceans, and the Congress of the United States of America having passed an act approved June 18, 1902, in furtherance of that object, a copy of which is hereto annexed, by which the President of the United States is directed to acquire, within a reasonable time, the control of the necessary territory of the Republic of Colombia, and the sovereignty of such territory being actually vested in the Republic of Panama, the high contracting parties have resolved for that purpose to conclude a convention, and have accordingly appointed as their plenipotentiaries the President of the United States of America, John Hay, Secretary of State, and the Government of the Republic of Panama, Philippe Bunau-Varilla, envoy extraordinary and minister plenipotentiary of the Republic of Panama, thereunto empowered by said Government, who, after communicating to each other their respective full powers found to be in good and due form, have agreed upon the following articles:

"ARTICLE I. The United States guarantees and will maintain the independence of the Republic of Panama.

"ART. II. The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of the zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed; the said zone beginning in the Caribbean Sea, 3 marine miles from low-water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low-water mark, with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant.

"The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canal or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise. The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama named Perico, Naos, Culebra, and Flamenco. (See U. S. *v.* Reyes, 9 How., 151, as to the definition of "property" in a treaty.)

"ART. III. The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in Article II of this agreement, and within the limits of all auxiliary lands and waters mentioned and described in said Article II, which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, and authority.

"ART. IV. As rights subsidiary to the above grants, the Republic of Panama grants in perpetuity to the United States the right to use the rivers, streams, lakes, and other bodies of waters within its limits for navigation, the supply of water or waterpower or other purposes, so far as the use of the said rivers, streams, lakes, and bodies of water and the waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal.

"ART. V. The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance, and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean.

"ART. VI. The grants herein contained shall in no manner invalidate the titles or rights of private landholders or owners of private property in the said zone or in or to any of the land or waters leased or granted to the United States by provisions of any article of this treaty, nor shall they interfere with the right of way over the public roads passing through the said zone, or over any of the said lands or waters unless said rights of way or private rights shall conflict with the rights herein granted to the United States, in which case the rights of the United States shall be superior. All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reasons of the operations of the United States, its agents, or employees or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection herein provided for shall be appraised and settled by a joint commission appointed by the Government of the United States and of the Republic of Panama, whose decisions as to such damage shall be final and whose awards as to such damage shall be paid solely by the United States. No part of the work on said canal or on the Panama Railroad or on any auxiliary works relating thereto and authorized by the terms of this treaty shall be prevented, delayed, or impeded by or pending such proceedings to ascertain such damages. The appraisal of said private lands and private property and the assessment of damages to them shall be based upon their value before the date of this convention.

"ART. VII. The Republic of Panama grants to the United States within the limits of the cities of Panama and Colon and their adjacent harbors within the territory adjacent thereto the right to acquire by purchase or by the exercise of the right of eminent domain any lands, buildings, water rights, or other properties necessary and convenient for the construction, maintenance, operation, and protection of the canal and of any work of sanitation, such as the collection and disposition of sewage and the distribution of water in the said cities of Panama and Colon, which in the discretion of the United States may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal and railroad.

"All such works of sanitation, collection and disposition of sewage, and distribution of water in the cities of Panama and Colon shall be made at the expense of the United States, and the Government of the United States, its agents or nominees, shall be authorized to impose and collect water rents

and sewage rates, which shall be sufficient to provide for the payment of interest and the amortization of the principal of the cost of said work within a period of fifty years, and upon the expiration of said term of fifty years the system of sewers and waterworks shall revert to and become the properties of the cities of Panama and Colon, respectively, and the use of water shall be free to the inhabitants of Panama and Colon, except to the extent that water rates may be necessary for the operation and maintenance of said system of sewers and water.

"The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances, whether of a preventive or curative character, prescribed by the United States, and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States the Republic of Panama grants to the United States the right and authority to enforce the same. The same right and authority is given the United States for the maintenance of public order in case the Republic of Panama should be unable to maintain it in the towns of Panama and Colon.

"ART. VIII. The Republic of Panama grants to the United States all the rights which it has or hereafter may acquire to the New Panama Canal Company and the Panama Railroad Company as the result of the transfer of sovereignity from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama, and authorizes the New Panama Canal Company to sell its rights to the United States, as well as the Panama Railroad.

"ART. IX. Provides that the Republic of Panama declare free for all time the ports of either entrance of the canal, including Panama and Colon and the water thereof, in such manner that there shall not be collected by the Government of Panama custom-house tolls, tonnage, anchorage, light-house, wharf, pilot, or quarantine dues, nor any other charges or taxes of any kind shall be levied or imposed by the Government of Panama upon any vessel using or passing through the canal or belonging to or employed by the United States directly or indirectly in connection with the construction, maintenance, and operation of the main works or its auxiliaries or upon the cargo, officers, crew, or passengers of any such vessel, it being the intent of this convention that all vessels and their cargoes, crews, and passengers shall be permitted to use and pass through the canal and the ports leading thereto subject to no other demands or impositions than such tolls and charges as may be imposed by the United States for the use of the canal or other works.

"The ports leading to the canal, including Panama and Colon, also shall be free to the commerce of the world, and no duties or taxes shall be imposed except upon merchandise destined to be introduced for the consumption of the rest of the Republic of Panama, and upon vessels touching at the ports of Panama and Colon and which do not pass through the canal.

"Though the said ports shall be free and open to all, the Government of Panama may establish in them such custom-houses and guards as may be deemed necessary to collect duties on importations into the Republic of Panama and to prevent contraband trade. The United States shall have the right to make use of the ports at the two extremities of the canal, including Panama and Colon, as places of anchorage, in order to make repairs, for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the services of the canal and other works.

"ART. X. Provides that there shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the canal, the vessels that may use it, the tugs and other vessels employed in the service of the canal, the railways and auxiliary works, storehouses, workshops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery, and other works, property, and effects appertaining to the canal or railroads or that may be necessary for the service of the canal or railroad and their dependencies, whether situated within the cities of Panama and Colon or any other places authorized by the provisions of this convention.

"Nor shall there be imposed contributions or charges of a personal character of whatever species upon officers, employees, laborers, and other individuals in the service of the canal and its dependencies.

"ART. XI. Provides that all telegraph and telephone lines when established in connection with the canal may also be used for public and private business, and that the official dispatches of the Government of the Republic of Panama shall be transmitted at the same rate as those sent by the officials in the service of the United States.

"ART. XII. Permits the immigration and free access to the lands and workshops of the canal and its dependencies of all employees and workmen, of whatever nationality, under contract to work upon or seeking employment or in any wise connected with the said canal and its dependencies, with their respective families.

"ART. XIII. The United States may import at any time into the said canal zone, free of customs duties, imports, taxes, or other charges and without any restrictions any and all vessels, dredges, engines and cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, and operation of the canal and auxiliary works; also all provisions, medicine, clothing, supplies, and other things necessary and convenient for the officers, employees, workmen, and laborers in the service and employ of the United States and for their families. If any such articles are disposed of for use without the zone, excepting Panama and Colon, and within that territory of the Republic of Panama, they shall be subject to the same import or other duties as like articles under the laws or ordinances of the Republic of Panama.

"ART. XIV. The two Governments hereafter shall make adequate provision by like agreement for the pursuit, capture, imprisonment, detention, and delivery within the said zone of persons charged with the commitment of crimes, felonies, or misdemeanors without said zone; and for the pursuit, capture, imprisonment, detention, and delivery without said zone of persons charged with the commitment of crimes, felonies, and misdemeanors within said zone.

"ART. XV. The Republic of Panama grants to the United States the use of all the ports of the Republic open for commerce as places of refuge for any vessel employed in the canal enterprise, and for all vessels in distress having the right to pass through the canal and wishing to anchor in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.

"ART. XVI. The canal when constructed and entrance thereto shall be neutral in perpetuity.

"ART. XVII. The Government of the Republic of Panama shall have the right to transport over the canal its vessels, troops, and munitions of war at all times without paying charges of any kind. This exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war, and supplies.

"ART. XVIII. If by virtue of any existing treaty between the Republic of Panama and any third power there may be any privilege or concession relative to an interoceanic means of communication which especially favors such third power, and which, in any of its terms, may be incompatible with the terms of the present convention, the Republic of Panama agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting its modification or annulment, the Republic of Panama agrees to procure its modification or annulment in such form that there shall not exist any conflict with the stipulators of the present convention.

"ART. XIX. The rights and privileges granted by the Republic of Panama to the United States in the preceding articles are understood to be free of all interior debts, liens, trusts or liabilities, or concessions or privileges to other governments, corporations, syndicates, or individuals; and consequently, if there should arise any claim on account of the present concessions and privileges or otherwise, the claimants shall resort to the Republic of Panama and not to the United States for any indemnity or compromise which may be required.

"ART. XX. The Republic of Panama renounces and grants to the United States the participation to which it might have been entitled in the future earnings of the canal of the concessionary contract with Lucian N. B. Wyse, now owned by the Panama Canal Company, and any other rights or claims of a provisional nature arising under or relating to said concession, or arising under or relating to the concessions to the Panama Railroad Company or any extension or modification thereof; and it likewise renounces, confirms, and grants to the United States, now and hereafter, all the rights and property reserved in the said concessions which otherwise would belong to the Republic of Panama at or before the expiration of the terms of ninety-nine years of the concessions granted to or held by the above-mentioned party and companies and all right, title, and interest which it now has or may hereafter have in and to the lands, canal works, property, and rights held by said companies under said concessions or otherwise, and acquired or to be acquired by the United States from or through the New Panama Canal Company, including any property and rights which might, or may in the future, either by lapse of time forfeiture or otherwise, revert to the Republic of Panama, under any contracts or concessions, with said Wyse, the Universal Panama Canal Company, the Panama Railroad Company, and the New Panama Canal Company. The aforesaid rights and properties shall be and are free and released from any present or reversionary interest in or claims of the Republic of Panama, and the title of the United States thereto *upon consummation of the contemplated purchase by the United States from the New Panama Canal Company* shall be absolute, so far as concerns the Republic of Panama.

"ART. XXI. If it should become necessary at any time to employ armed forces for the safety or protection of the canal or of the ships that make use of the same or the railways and other works, the United States shall have the right at all times and in its discretion to use its police and its land and naval forces or to establish fortifications for these purposes.

"ART. XXII. As the price or compensation for the right to use the zone granted in this convention by the Republic of Panama to the United States the Government of the United States agrees to pay to the Republic of Panama the sum of $10,000,000 in gold coin of the United States on the exchange of the ratifications of this convention, and also an annual payment during the life of this convention of $250,000 in like gold coin, beginning nine years after the date aforesaid. The provisions of this article shall be in addition to all other benefits assured to the Republic of Panama under this convention. But no delay or difference of opinion under this article or any other provision of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

"ART. XXIII. No change either in the Government or in the laws and treaties of the Republic of Panama shall, without the consent of the United States, affect any right of the United States under the present convention or under any treaty stipulation between the two countries (that now exists or may hereafter exist) touching the subject-matter of this convention.

"If the Republic of Panama shall hereafter enter as a constituent into any other government or into any union or confederation of states, so as to merge her sovereignty or independence in such government, union, or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired.

"ART. XXIV. For the better performance of the engagements of this convention and to the end of the efficient protection of the canal and the preservation of its neutrality the Government of the Republic of Panama will sell or lease to the United States lands adequate and necessary for naval or coaling stations on the Pacific coast and on the western Caribbean coast of the Republic of Panama at certain points to be agreed upon with the President of the United States.

"ART. XXV. The joint commission referred to in Article VI shall be established as follows:

"The President of the United States shall nominate two persons and the President of the Republic of Panama shall nominate two persons, and they shall proceed to a decision, but in case of disagreement of the commission (by reason of their being equally divided in conclusion) an umpire shall be appointed by the two Governments, who shall render the decision. In the event of death, absence, or incapability of any commissioner or umpire or of his omitting, declining, or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated. All decisions by a majority of the commission or by the umpire shall be final.

"ART. XXVI. This convention, when signed by the contracting parties, shall be ratified according to the laws of the respective countries, and shall be executed at Washington as soon as possible. In faith whereof the respective plenipotentiaries have signed the present convention in duplicate and hereunto affixed their respective seals.

"Done at the City of Washington, the 18th of November, in the year of our Lord 1903.

"JOHN HAY.
"PHILIPPE BUNAU-VARILLA."

Mr. MORGAN. Mr. President, I will now note a few points in this treaty that, I apprehend, will prove to be stumbling-blocks in the way of Cuba's acceptance of this measure that the President is so eagerly pressing upon Cuba as a gift of pure benevolence.

The adage that "One should not look a gift horse in the mouth" may not apply to Cuba when she accepts the gift of a kicking broncho that welcomes its rider with a whinney and destroys him with its heels.

This treaty, in all its provisions, but especially in Articles II to VIII, inclusive, gives to the United States, for a money consideration and for the guarantee of the maintenance of the independence of Panama, all the property included in a belt of land and water 10 miles wide, with the canal line for its center, extending across the Isthmus from ocean to ocean, measured from the 3-mile limit.

This 10-mile belt includes the Panama Railroad and the Panama Canal, and in Article XX it so accurately describes all the rights conveyed that nothing is omitted that either of those companies could set up or lawfully claim as against the United States in

respect of the possession, control, and sovereign ownership of either of those properties.

No political or juridical rights are reserved to the Republic of Panama in the canal zone. The only rights that are reserved are those of private owners of property within the zone, and these are expressly made subject to condemnation by the United States, in virtue of its right of eminent domain, which is granted by this treaty without reserve.

In this treaty there is nowhere reserved to the Republic of Panama any sovereign right or power, except in a way that is merely inferential and is only deducible by argument from the silence of the treaty. And this controlling fact applies to all the parts of the territory of that Republic except the 10-mile zone, in which the sovereignty of the United States is made supreme and that of Panama is excluded by the express language I again quote:

ART. III. The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, and authority.

Language could not be stronger or more apt to make a perfect cession of that canal zone to the United States as a sovereign power.

Not only is this the effect of this cession, but it is also its distinct purpose.

If that treaty is ratified by our Senate, and if Congress enforces it by the proper and necessary legislation, it can not be questioned that the ownership and control of the Panama Railroad will be entirely under the jurisdiction of Congress.

Certain corporate rights of the Panama Railroad Company, under its New York charter, may be respected by Congress, but its present monopoly of the transit charges and tolls between the oceans will not stand for a moment after Congress gets hold of the matter. But the United States is not bound by this treaty even to respect those rights.

Cuba need not indulge the hopeless dream that Congress, in order to keep faith with her under the bill before the Senate, will continue the burden upon the productions of Hawaii and the Philippine Islands and upon all other commerce that is now imposed upon those islands and the United States by the exactions of the transcontinental railroads.

Only just rates will be permitted to be levied as tolls upon tha commerce, which rates will be regulated by a cost of $8,000,000 as the price to be paid by the United States for the capital stock of the Panama Railroad.

This act of justice and public necessity is not prohibited by the bill before the Senate, and it will not be prohibited.

Hawaii and the Philippines will ship their productions and return freights across that Isthmus by rail at rates that will, probably, be lower than 5 mills per ton per mile.

Hawaiian productions will reach our eastern ports, and even Cuba, free of duty, and those of the Philippines will come with a rebate of 75 per cent of existing duties, while Cuba will get a reduction of 25 per cent on the rates of the Dingley law.

These new and hitherto incomprehensible conditions must enter into the question, whether Cuba will accept the measure now before the Senate.

If she accepts it, it will then be a fight for life against the competition of Hawaii and the Philippine Islands, to which I can not consent to be a party under any concealments that would do Cuba an injustice.

Whether this new condition, so disturbing to trade and commerce and to the good will of all Latin America, will be rushed through and consummated through the disciplinary forces of the Republican party remains to be seen, but we shall soon know how that is.

The forces at the back of this volcanic eruption are not supplied by the free will or deliberate judgment of the American people. They come from France.

They come loaded with an evil reputation that was earned by De Lesseps and his American committee, and has become a foul reproach, and has grown into an official character that damns the whole enterprise. This odious reputation given to the New Panama Canal Company in the preliminary and final reports of the Isthmian Canal Commission of which Admiral Walker was the president can not be eliminated or whitewashed by Presidential approval.

France suffered as no nation has suffered from these intestinal evils engendered by the Panama Canal Company, and she has looked on in silent but yearning anxiety that some favoring wind would drive its pollutions from her bosom to our distant shores.

As in the case of the disposal of the remains of dead lepers, she has employed living ones to transport them to the United States. The President has come to her relief.

She found her opportunity in the alleged birth of the Republic of Panama, at which he presided, and she seized it with eager grasp.

One of her citizens was made a minister plenipotentiary to the United States by a selected junta in Panama, that had no more right to appoint a minister to the United States than they had to consecrate a saint. He being in New York, was commissioned by telegraph, and at once appeared here and was recognized by the President of the United States when the Republic that he claimed to represent was less than ten days old. He came as a winged messenger of falsehood, and was dispatched on his mission by the Panama Canal Company.

It was this functionary in combination with the President that, the President says, settled definitely and irrevocably that the canal shall be built at Panama. A treaty is made by two legislative bodies, one foreign and the other domestic, that are parts of two distinct and sovereign governments. When thus made and ratified by two-thirds of our Senate, a treaty becomes the supreme law of the United States, and overrides the laws and constitutions of our States and all acts of Congress that are in conflict with it. A citizen of the United States and his property or liberties is no more in the way of a treaty than a mote on the sea is in the way of a steamship.

The treaty with Cuba, ceding the Isle of Pines, illustrates this fact. That treaty decitizenizes 300 American citizens and turns them over to the Cuban Government and flag. If Panama is a treaty power, the President and two-thirds of the Senate can agree with Panama, by treaty, to take the Nicaragua Canal route by force to avoid its competition with the Panama route, and could punish any man who should oppose it. I am not prepared to admit that Mr. Bunau-Varilla has any such power as this—to make supreme law for the United States—or that his annointment by the President has freed him from the moral leprosy which few have escaped, if any, who have served the Panama Canal Company as agent, contractor, or stockholder.

Three commissioners were sent by the junta that had created three consuls, called "prefects," who selected them as a commission to aid M. Bunau-Varilla to make the treaty I have read to the Senate.

Then France gave her official recognition to the Republic of Panama, and the funeral of Colombia's sovereignty in Panama proceeded, but not without a strong suspicion that she yet lived. If she was buried, she was buried alive.

But France made some conditions in advance of her act of recognition, without which she would still be a silent spectator at these obsequies. These were known to our Government.

I will read from the London Times of November 24, 1903, the official statement of this fine piece of diplomacy, as follows:

LATEST INTELLIGENCE—M. DELCASSÉ ON FOREIGN AFFAIRS.

[From our own correspondent.]

PARIS, *November 23, 1903.*

In the course of the debate on the budget for foreign affairs in the Chamber of Deputies this afternoon, M. Delcassé, the minister for foreign affairs, made an important statement on some of the questions of the day. He began by congratulating himself on the circumstance that all the political parties had expressed their opinion on all the questions of foreign politics. He now proposed to give the explanations of the Government with a brevity consonant with his functions, which demanded deeds rather than words, and with the reserve which those functions imposed upon him.

In reply to the inquiry whether the Government had officially recognized the new State of Panama, he gave the following particulars: On the 3d instant, for reasons as to which they were not called upon to express an opinion—

A day before the 4th and a day after the 2d—

as it was not for them to interfere in the domestic affairs of another country, the Department of Panama constituted itself into an independent Republic. Having received notification of that fact, and from the moment that the new Republic fulfilled the conditions necessary for the maintenance of order and security, they had only to consider what guaraties it offered from a French standpoint. They were not quite free from apprehension for a certain time.

For many months past it had been said at Bogota that the decision of the Colombian Government to grant an extension of six years from 1904 for the completion of the canal was contestable, and that in 1904 the concession might be declared to be forfeited. If that theory had on any occasion been officially formulated, it would never have received the sanction of France; *but it was the strict duty of the French ministry to demand from the Government of Panama a preliminary assurance that all French interests, including the rights of the concession, would be respected.* They had received the following formal and decisive assurance:

"The Republic of Panama solemnly, expressly, and definitely undertakes vigilantly to protect French interests, as also to maintain and to interpret in the most liberal spirit the contracts concluded before November 3. Those contracts referring to the Isthmus follow the transmission of sovereignty and bind the Republic of Panama. All those contracts are maintained, and particularly the contract prolonging the concession up to 1910."

M. Delcassé added that in these conditions all that remained for them to do was what, as a matter of fact, had already been done by the Government of the United States—namely, to permit the agents of France to enter into relations with all the agents of the new Republic of Panama.

There, Mr. President, is a tripartite arrangement, only two parties to which are disclosed in any communication which Mr. Hay has ever made to the people of the United States.

The commission sent by the junta at Panama, after a long sea voyage, had landed at New York and were en route for Washington

to participate in the negotiations, but the hurry for results was so great that no delay was tolerated, and the treaty was signed before they could reach Washington.

Without the help of the telegraph the Republic of Panama would now be a nonentity instead of being, as M. Varilla says it is, "the latest born" of the United States, and where he would be the imagination refuses to contemplate. France came next on the boards, with the strangled Monroe doctrine at her belt.

This treaty was in fact a pledge of the United States to France that we would make the "contemplated purchase" of the canal from the New Panama Canal Company and would pay for it. Has that contract been made? If so, why is it concealed?

This intervention of France would be an audacious attack on the Monroe doctrine if it had not been invited and provided for by the President in the treaty I have quoted.

When M. Bunau-Varilla presented his credentials from Panama to the President by telegraph, he boasted officially of his connection with the Panama Canal Company, as follows:

NEW YORK, *November 7, 1903.*
(Received 1.40 p. m.)

His Excellency JOHN HAY, *Secretary of State:*

I have the privilege and the honor of notifying you that the Government of the Republic of Panama have been pleased to designate me as its envoy extraordinary and minister plenipotentiary near the Government of the United States. In selecting for its first representative at Washington a veteran servant and champion of the Panama Canal, my Government has evidently sought to show that it considers a loyal and earnest devotion to the success of that most heroic conception of human genius as both a solemn duty and the essential purpose of its existence.

I congratulate myself, sir, that my first official duty should be to respectfully request you to convey to His Excellency the President of the United States on behalf of the people of Panama an expression of the grateful sense of their obligation to his Government. In extending her generous hand so spontaneously to her latest born the mother of the American nations is prosecuting her noble mission as the liberator and the educator of the peoples. In spreading her protecting wings over the territory of our Republic the American eagle has sanctified it. It has rescued it from the barbarism of unnecessary and wasteful civil wars to consecrate it to the destiny assigned to it by Providence, the service of humanity and the progress of civilization.

PHILIPPE BUNAU-VARILLA.

M. Bunau-Varilla's connection with that canal company is further explained in the London Gazette of November 18, 1903, by an Englishman, who signs his name to the following letter:

G. P. O.—THE PANAMA MUDDLE.

SIR: I remarked in your special edition a telegram announcing the reception of Mr. Bunau-Varilla as minister of the Republic of Panama. Your readers will at once understand the gist of this extraordinary proclamation of a Republic of the State of Panama. The promoters of this coup d'état are all interested in the Panama Canal—past and future.

It is a venture with a taste of a comic opera. Mr. Bunau-Varilla, the quasi minister plenipotentiary and envoy extraordinary to the proposed infant Republic, is a pure Frenchman, educated partly in Germany and finally in France. He was a second-class engineer of the Ponts and Chaussies of France, and was nominated by the late Mr. Ferdinand de Lesseps in 1884, under the direction of the late Mr. Jules Dingler, director-general of the works in Panama, as section chief. He preferred, after a certain period of engineering work under his chief, to become associated with contractors. He contracted well and wisely, and left the Isthmus a rich man.

He must be of that glorious sixty, mentioned by Admiral Walker in his report, who had committed fraud against France until they were confined to the penitentiary and were pardoned upon the promise that they would build the new Panama Canal. I can not identify him, but I have a strong suspicion that he was of the "sixty" not named by that commission. This man seems to know a great deal about it.

His college comrade and director of the second canal company, Mr. Hutin, is the actual pilot and president of the fainting canal company, who negotiated with Washington and Bogota the cession of their rights of a canal.

Everybody knows the phases and discussions of the present concession and its abortion. A general failure having taken place, the interested parties in France and on the Isthmus of Panama hatch a cold-blooded plot in which the President of the United States seems to have fallen into the trap. They subsidize mercenaries to fight, and the interested group name Mr. Bunau-Varilla as their envoy to the Government at Washington. They have been unable to sell their concession to the United States and obtain the transfer from the Colombian Government. They wanted to sell the cake and eat it, but the Colombian Government did not exactly understand this process of selling and buying, as they wanted the lion's part of the cake.

The interested parties joined hands and impudently proclaim a republic similar to St. Marin and send a plenipotentiary minister in the form of a French engineer and contractor to treat with President Roosevelt. It is a repetition of Lebaudy, Emperor of the Sahara, Aurelia, King of Patagonia, and other bold buccaneers who fancy that they can strip a country of a province or department and proclaim an empire, kingdom, or republic. Why should not some Morgan or Kruger land in Essex and proclaim a sovereign state and appeal to the Sultan to recognize his independent republic? Is Colombia going to allow a piece of her territory to be lopped off by a foreigner? Avis aux amateurs!

TANKERVILLE CHAMBERLAIN.

LISBON, *November 10, 1903.*

I have a letter in my pocket, written to me by an engineer, a very able and splendid gentleman of our own country, when Mr. Bunau-Varilla made his first appearance in the United States as a stump orator for the Panama Canal. I do not propose to read it to the Senate, but I will furnish it to any Senator on the other side to let him see and understand how true this man writes from Lisbon.

I do not wish to make impressions or sensations upon the world, but I do wish to save this honorable Senate from the trap into which the President has been betrayed; and I have a right to do it if I can do it upon just grounds and with honest testimony. In some executive session of the Senate, when everything is concealed from the world except what they want to know, I will give the letter to the Senate. I can not do it right now.

Whatever France has done, or will do, in this matter will only be to shake off the bête noire of the Panama Canal that has so scandalized that Republic.

As the President of the United States, by a strange fiction of alleged international law, had created the Republic of Panama in a night, like Jonah's gourd, and had created its minister plenipotentiary by the breath of his nostrils, France, smiling at the witty conceit and its astounding legerdemain, accepted the situation and made a treaty with M. Bunau-Varilla, in which she stepped in to violate the Monroe doctrine, and the President said, "Amen!"

The treaty with France was that the Republic of Panama should recognize and enforce all the rights that the Panama Canal Company had derived from Colombia, and should give full protection to all the property claimed by that company on the Isthmus, and, further, that Panama should confirm the extension of the Wyse concession from 1904 to 1910.

A decree was made accordingly by the junta at Panama, and the agreement with France was confirmed. Thereupon France subscribed to the sovereignty and independence of Panama, but tied a string to it in the Hay-Varilla treaty.

Eaton and Burnside, who originated and passed through the Senate resolutions declaring such actions on the part of France to be unfriendly to the United States, slept on, in their forgotten graves, and the Senate seems to sleep on this breach of the Monroe doctrine, while the President and France again softly and reverently say, "Amen!"

I fear that all Spanish America, insulted as they must be by the thought that the Monroe doctrine is now only a convenience through which we invade those states while keeping European states aloof from the prey, will also join the chorus of "Amens" at the removal of that alleged obstacle to their perfect independence.

It was the demand of the New Panama Canal Company that brought France into this diplomatic mess and created a state of war in Panama, to which we have become a party.

We guaranteed to maintain the independence of Panama against Colombia, and Colombia rightfully considers the breach of that guaranty as a casus belli. She also considers our interference with armed forces, on the 3d and 4th of November, to prevent the assertion of her constitutional sovereignty and her laws in the Department of Panama an act of war, and Commander Hubbard, commanding the *Nashville*, at Colon, declared in a dispatch which was read in a Cabinet meeting, that the conduct of the Colombian troops at Colon on the 3d and 4th of November was war against the United States.

Both parties to the controversy have acted upon the fact that a state of war exists between Colombia and the United States that has not yet reached the stage of formal declaration.

If the President had the power to declare war against Colombia his official acts would have made that declaration explicit. It is war, but not declared war, that he has waged with Colombia.

It may all pass away in a commercial deal. That now is the means in common use of healing the wounds of nations by deadening the national pride and all sense of honor among social and national leaders. On our part, we are provided with money for conducting war, and for purchasing peace when it is cheaper than war, and for hypnotizing the public conscience with bargains that glitter with national gain.

The last act of a new deal, in which we are to pay money to Colombia, to heal her honor that we have wantonly wounded, because she would not sell us canal privileges at Panama, at our own price, to gratify the lust for political power, is about to close, and Reyes may get the promise of a check that will balance our account with Colombia. He will go home, if the Colombian people will receive him, with his sword turned into a pruning hook, to cultivate a vine that will yield him only dead-sea fruit.

If it is a fact that he prefers peace, with a bank check, to the honor of his country, I only regret that our Government should be a party to such a deal and that our people have to foot the bill.

But this new demand upon the generosity of the President creates a new demand upon the Treasury that may shake the credit of the nation and develop into panic the conditions that have recently lost hundreds of millions in the value of stocks, and has been kept in check only by the immense production of our agricultural industries.

I greatly fear that those new demands on the Treasury for funds to pacify Colombia will be difficult to meet when we have depleted our incomes by the sums that this bill is giving to Cuba

in the reduction in the tariff dues she is to receive under it, which, it seems, can not be less than $6,000,000 annually.

If we had the money to pay our honest debts, bearing interest, and for justly liberal current expenses, I would be glad to aid the people of Cuba to the extent of their necessities. Yet I do not see that she has any wants that, in comparison with the condition of our States, are at all distressing. If any of our States are out of debt and have a surplus of several millions in their treasuries I am not informed of the fact; yet that is the happy condition of Cuba.

It is not our honest debts that are likely to give us trouble, but our national sins that are crying out for money to drive bargains with corruptionists and stock gamblers.

When Colombia, in her Congress, rejected the Hay-Herran treaty, which some of our statesmen love to denounce as a breach of national faith, and the President rebukes with fierce denunciation, we were free, under the express provisions of our statutes, from the villainy and disgrace of the New Panama Canal Company, and an honorable highway was open to the President, which he was commanded to pursue, that would have given us a canal route through Nicaragua, where peace, honor, and success would have been the reward of wise and virtuous course of action.

As it is, we are called upon again to pay the Panama Canal Company a double price for work that is of no possible value to them and is of little value to us. Its property, of whatever kind, is only the asset of a bankrupt that belongs to its creditors. We are to pay the bankrupt for it and help it to defraud its creditors or else we must pay them.

In one article of this treaty there is this peculiar, queer, and disgraceful provision: That if anybody has any debts, obligations, mortgages, equities, or what not against the Panama Canal Company, the old or the new—they do not amount to anything except 21,000,000 francs—and if there are any such debts in all the world this treaty provides that they shall not come against the United States, but shall be presented for redemption to the new Republic of Panama.

Now, when we made a similar proposition or agreement with Colombia there was some little symptom of decency about it. But when we take this new bankrupt, yet unchristened, amongst the nations of the earth, and tender to mankind who hold these agreements, these bonds, the credit of that concern to pay it, what does it mean? What will the world say it means? A fraudulent presentation of an irresponsible person by the United States in these articles of treaties I am quoting, that it is responsible and that fraud makes the United States responsible directly for these debts.

There is not a lawyer in the world who could meet the demand if it were the subject of a private lawsuit between individuals.

There is where we are driving to. There is, it seems, no possible recompense or refuge that can be conceived of that Bunau-Varilla could demand at the hands of the United States that has not been granted in this treaty. It is the most wretched transaction that ever took place in the name of a civilized country. I stand here and denounce it as that, and the American people will sustain every word of that denunciation. Their consciences are clean and their judgment is free from bias.

The Hay-Varilla treaty not only does this double iniquity, but it asks the Senate to ratify a contemplated purchase from the Panama Canal Company, the terms of which, if they are fixed by agreement, are withheld from the Senate and from Congress.

Moreover, the ratification of this "contemplated purchase" is made by this treaty the condition upon which all our rights under the treaty are made to depend. I will read from Article XX in proof of what I say:

ARTICLE XX.

The Republic of Panama renounces and grants to the United States the participation to which it might have been entitled in the future earnings of the canal of the concessionary contract with Lucien N. B. Wyse, now owned by the Panama Canal Company, and any other rights or claims of a provisional nature arising under or relating to said concession or arising under or relating to the concessions to the Panama Railroad Company or any extension or modification thereof; and it likewise renounces, confirms, and grants to the United States, now and hereafter, all the rights and property reserved in the said concessions which otherwise would belong to the Republic of Panama at or before the expiration of the terms of ninety-nine years of the concessions granted to or held by the above-mentioned party and companies, and all right, title, and interest which it now has or may hereafter have in and to the lands, canal works, property, and rights held by said companies under said concessions or otherwise, and acquired or to be acquired by the United States from or through the New Panama Canal Company, including any property and rights which might or may in the future, either by lapse of time forfeiture or otherwise, revert to the Republic of Panama, under any contracts of concession, with said Wyse, the Universal Panama Canal Company, the Panama Railroad Company, and the New Panama Canal Company. The aforesaid rights and properties shall be and are free and released from any present or reversionary interest in or claims of the Republic of Panama, *and the title of the United States thereto, upon consummation of the contemplated purchase by the United States from the New Panama Canal Company, shall be absolute so far as concerns the Republic of Panama.*

The following terms in that article prove all that I assert as to its meaning:

The aforesaid rights and properties (of the Panama Canal Company and of the Panama Railroad Company) shall be and are free and released from any present or reversionary interest in or claims of the Republic of Panama, and the title of the United States thereto, upon consummation of the contemplated purchase by the United States from the New Panama Canal Company, shall be absolute so far as concerns the Republic of Panama.

The Senate of the United States, in the teeth of decisions of the Supreme Court of the United States, one of which is the case of Reynes *v.* The United States, 9 Howard, 151, are called upon now to ratify that treaty on those terms, and thereby to ratify a contemplated purchase the price and terms of which we are not informed about.

All the work done on the canal and all of the lands, machinery, and structures thereon or appurtenant thereto, and the railroad, with all its belongings, are included in this Article XX; and the title to all of it is made to depend upon the consummation of a "contemplated purchase" by the United States.

We get nothing under this treaty in that canal zone except an empty right to construct the canal. We get no property, or anything that is appurtenant to the canal or the railroad, until we have first made a consummation—the word "consummation" is used, which means paid, of the purchase hereafter to be agreed upon as contemplated.

I do not like to indulge myself, when I am in close proximity to a column of adjectives and adverbs, with the selection of the proper one to characterize a proceeding like that.

The whole value of the canal and of the railroad is thus left in the New Panama Canal Company under this treaty, and its ownership by the United States is made to depend solely upon a "contemplated purchase" from that company.

We thus place ourselves completely in the power of that company as to these rights, both as to the cost and the terms and conditions of the contemplated purchase.

After we have paid Panama $10,000,000 cash, and have agreed to pay her a subsidy of $250,000 a year for all future time, for the lease of the right of way, beginning seven years after the date of the treaty, we do not get an absolute title, even from Panama, until we have satisfied the cormorant greed of the New Panama Canal Company in this contemplated purchase. And the Senate is directed to concur. And the newspapers allege that some Democrats are pledged to concur, which I hope is a calumny.

Nothing could have induced the Secretary of State to make such an indefinite agreement except the necessity of having this treaty ratified by the junta at the city of Panama, before Colombia could open active war against the Department of Panama and possibly run them out of the limits of the Republic.

He had to provide for "the contemplated purchase" of the property from the Panama Canal Company, instead of an actual purchase at a given price, to meet this emergency, and Varilla sped like the flying of the weaver's shuttle between New York and Washington, lest the commission to negotiate a treaty might cut the golden thread of diplomacy before he could tie the knot.

Articles II and III of the treaty cede to us the perfect sovereignty over the lands occupied by the railroad and the canal and for 5 miles on each side of the canal, and in Article I we guarantee the sovereignty of the Republic of Panama.

Why should we, the sovereign owners of this area, be compelled thereafter to agree with the New Panama Canal Company for the purchase of property claimed by it within that area before our title to the land should become absolute? What man of ordinary business common sense in this world would put himself to that extent in the power of a corporation, it made no difference even if it were a decent one?

The reason is manifest in the situation created by the junta that controlled Panama in the agreement they made with France, to which this twentieth article binds the United States. It is a tripartite agreement, to which the official statement of Delcassé shows that France is a party.

France is placed by the Hay-Varilla treaty in a position where she can control our ownership of the canal and railroad, and can prevent it under our treaty agreement unless we pay whatever sum the New Panama Canal Company chooses to demand of us for the property. No Cromwell, either Old Ironsides or The Astute, ever had so golden an opportunity.

Under the former agreement this property was to cost us $40,000,000. What we will now be required to pay for it is not known, but the cost price will certainly be increased.

The four items, viz, purchasing our peace from Colombia; the purchase of the Hay-Varilla treaty from Panama, $10,000,000; the purchase of the property from the New Panama Canal Company, $45,000,000, and $10,000,000 to be expended in work on the canal, will not be less than $65,000,000. Add to that $30,000,000, the revenues we donate to Cuba for five years under this bill, and these will compel the United States to meet a cash demand on the

Treasury of not less than $95,000,000, that will cause our finances to gravitate rapidly to the condition of weakness that causes panics.

We would be six or seven years at work on the Nicaragua Canal before we will have expended $90,000,000, and all rights and concessions would be paid for out of this sum.

If the Government intends to plunge into this reckless expenditure of money in times like these, there is grave doubt whether Congress will give it the money.

It is the existence of this doubt and others still greater that cheer the transcontinental railroad companies with the belief that no isthmian canal will ever be opened by the Government of the United States. As no better device than the Hay-Varilla treaty could be provided to defeat all effort to get an isthmian canal, I take the facts of record, known to all men, and let them pronounce the inevitable judgment that such a thing is the real purpose of that treaty.

The undeniable duty of the President to proceed at once to construct a canal at Colombia, by the command of the Spooner Act, when the Government—not the President—had failed to secure the canal rights from the Government of Colombia, he fails and refuses to obey. I refer him, respectfully, to the authority of the Supreme Court that I have read at my desk this morning and which will appear in the CONGRESSIONAL RECORD.

His dealings were required to be with the Government of Colombia. He was not authorized to conduct proceedings with the aid of the Army and Navy, to capture or seize a canal zone at Panama, or to extort it from Colombia by duress, or by the use of money, or to purchase it from Panama or from any other locum tenens, or junta de jure, or junta de facto he might find in adverse possession to Colombia, or from any republic he might create there. None of these or any such enterprises are even hinted at in the Spooner law. Had any such suggestion been made in that bill, everybody knows that it could not have passed the Senate or the House of Representatives. To pretend that the Spooner law contemplated such a purpose, or the movement that is attempted to be sheltered under it, is so gross an absurdity that reason refuses to consider it and indignation repels it.

The Governments the President was empowered to treat with are named in the Spooner law specifically. He had as much right, or a less absurd pretense of right, to interpolate the name of the New Panama Canal Company into the Spooner law, instead of the Government of Colombia, or the Government of Nicaragua and Costa Rica, as he had to insert in that act, by way of amendment, the Government of the Republic of Panama, that then had no existence that was even thought of.

The Panama Canal Company then owned concessions and a railroad that extended across the Isthmus that even Colombia could not lawfully take from its possession. Next to Colombia and the Department of Panama, that company had rights that might have been expanded into sovereign rights by some strained construction.

Why did not the President, while preparing for a coup d'état, to enable him to execute his duty under the Spooner law, as he is now doing, as he says, create the Republic of the New Panama Canal Company and lead it into the family of nations as the latest born, uncrowned goddess of liberty?

The Hay-Varilla treaty admits her dormant sovereignty as heir prospective, not to be questioned in the ownership of all the valuable concessions and properties of the canal and railroad in the canal zone, until a "contemplated purchase" of them has been made by the United States. That is the only event that would prevent their having and enjoying in perpetuity all the rights that they gain under the Wyse concession. They are made by this treaty that we are called upon to consider and ratify, the sovereign owners of the railroad and the canal through Panama.

The New Panama Canal Company is recognized in the Hay-Varilla treaty as the owner, under the protection of France, of all these rights and properties, and the United States is to take nothing in that canal zone that is worth speaking of until a contemplated purchase of its property and concessions is "consummated."

If the President was in search of the real owner of a canal zone in Panama to represent the canal route, which he says is "the essence of the condition," and if Colombia could not convey the property, why did he accept a title from a little junta or mob that owned nothing in that canal zone, instead of the Panama Canal Company that owned everything there?

The answer is that the canal company and the junta were one, and M. Bunau-Varilla was the agent of both, while France and a former financier of the American committee, under De Lesseps, were the backers of the movement.

But I will discuss the message of the President on another occasion. What is obvious on first view will be a demonstration on a full analysis that the President has failed to invent any excuse for his determined refusal to execute an act of Congress approved by him because it imposed a plain duty on him that he is unwilling to perform. That duty stands in the way of his wishes, and if a plan is suggested to amend that law so as to remove that obstacle from his path let it be done openly and let it be fairly discussed before the American people.

Neither Congress nor the American people will consent that the President, acting with his bantling Republic of Panama, will be permitted to repeal or amend the Spooner law by the ratification of the Hay-Varilla treaty. That is an evident purpose of that so-called treaty, in which it will fail.

Cuba has two other treaties pending in the Senate, the ratification of either of which may affect the bill under consideration. They have not been made public, and I am not permitted to discuss them.

But it must be the best course to adopt, in our dealing with Cuba, to settle the broad general relations of the two Governments before proceeding to settle the special relations growing out of our respective laws of taxation.

For these reasons and those I have stated as to the effect of the Hay-Varilla treaty on the industries of Cuba I think that the Senate should vote the indefinite postponement of this bill.

Our relations with Cuba are far from being settled or satisfactory. The Platt amendment, which she carried into her constitution in changed phraseology, is the real compact between the two Republics, and is not repealable except by mutual consent of the legislative bodies of both Governments or of the political bodies that have powers to annul constitutions.

When, in accordance with the Platt amendment, this bond of union is weakened, so that our relations will depend on the agreements of a treaty that either party can repeal by an ordinary act of legislation, Cuba may find occasion, as she will have the power, to clip the thread that binds her to us and float off into the realms of unfettered liberty. She may even do the Panama act, and find a friend in Germany that will recognize her independence over night and annex her with the rising sun.

Our doctrine is that the latest treaty repeals all laws and state constitutions that it conflicts with, and in the case supposed not Germany alone, but the whole world would hold us bound by it.

If only the bond of a treaty holds the two Governments together, Cuba would be at liberty to become independent by simply repealing her treaty with us, as we repealed our treaty of alliance with France. No doubt there would be fighting in such a case, but who has ever been more eager for a fight than William III of Germany and our own strenuous President. William sank a war ship in Santo Domingo in time of profound peace just to hear the roar of his guns in American waters, and harried the coasts of Venezuela, sinking ships and bombarding cities.

He would be glad to welcome Cuba to full citizenship in the family of nations, and with their cooperation he could cover the Gulf of Mexico with his sea power, to the great detriment of our trade and commerce. While we are debating this bill our fleets are nosing around in the ports of isthmian America and sending out scouts and schoolmasters to find hostile Indians, and if any tame ones are found, to civilize them, but, above all, to capture any of the people who still recognize the flag of Colombia or any Indians or other Colombians who may have resentments or unfriendly designs toward the junta de libertad y Dios y Varilla at Panama, who are masquerading under the name, title, and trade-mark of the Republic of Panama.

The one comfort in this search for new enemies is that it will give employment for the corps of rear-admirals, retired, who might otherwise get into mischief.

Such events arouse all Spanish America with fears as to our honor. In foreign affairs Cuba will sympathize with them as certainly as a wound in the right eye will affect the left eye.

This is no time for changing relations with Cuba, unless it might be to give her the higher liberties and the greater responsibilities of a State in the Union.

She should be let alone for the present, for in the light of recent events she will deal with us as with a suspected friend.

Our present attitude is calling for censures and regrets from the highest sources. Yesterday I met a great Democrat, who has held the highest station, next to the President, in our service and has won great renown throughout the world for statesmanship and honorable dealings with other powers and for highest manifestations of what we love to speak of as courageous Americanism. His venerable head was lowered as he looked upon the ground and said, "For the first time in my long life I am distressed at being compelled to say I am ashamed of the present attitude of my country."

Abroad our Americans of distinction in letters, science, and statesmanship, who are there to fill positions that honor our country, are most keenly affected with our present attitude, in which the Navy and treaty-making power are united in coercing the true civil authority of the Government.

The union of military power with diplomatic functions is forcing the civil authority into submission to the will of the President in setting aside the authority of the laws of Congress.

I will now read a British opinion as to what we are doing, that will at least attract the attention of our financial men. It is from the highest British authority on matters relating to finance. I read from the Financial News, of London, November 20, 1903.

[Financial News, London, November 20, 1903.]

COURSE OF THE BRITISH GOVERNMENT.

We hope sincerely that the British Government will not be lured into a premature recognition of the new Republic of Panama. The council of foreign bondholders has adduced one excellent reason for delay, holding that the new State must assume a just and reasonable share of the Colombian debt ere it can be recognized by Great Britain. The principle that a seceding territory must assume its share of the obligations attached to the state whose sovereignty it disowns is thoroughly established. Bulgaria is charged with an annual contribution toward the interest on the Turkish debt, and when, in 1832, the original and unwieldy Republic of Colombia was split into New Granada, Ecuador, and Venezuela an assignment of the debt into three parts followed as a matter of course.

The existing Republic of Colombia represents New Granada, and now owes £2,700,000 to foreign creditors, mainly British, with £216,000 of arrears of interest to July of this year. The payment of $10,000,000 down and of $250,000 annually, beginning nine years after the signature, provided for in the Hay-Herran treaty, offered some hopes to Colombia's creditors. Now the lump sum is to go to Panama, without any reservation in favor of the Colombian creditors, who thus see the best asset of the Republic taken right away from them in the interests of the United States alone.

Had not Washington been in such a feverish hurry to fix up the canal deal, it would have seen that the rights of the creditors of Colombia, and of Colombia herself, were reasonably safeguarded. But the new Republic had to be invented, recognized, and negotiated in such haste that every consideration which usually weighs with a civilized government in dealing with new States of dubious origin and stability had to be ignored and set aside.

There is no need for such hurry on our part, and it devolves on the British Government to bring to the notice of the "protector" of Panama—the erstwhile "protector" of despoiled Colombia—the many little irregularities and omissions that have to be rectified and made good ere Great Britain can take official cognizance of the upstart Republic.

France has recognized the new State for precisely the same reasons which should prevent us from doing likewise. French interests are concentrated in the purchase of the New Panama Canal Company, and the French Government must, and does, look after the interests of its citizens. There is little altruism in international dealings, and we can not blame the French for endeavoring to profit by the land-grabbing propensities of the United States.

Great Britain would certainly not court a serious complication with the United States by protesting against the gross iniquity and irregularity of the proceedings which have eventuated in the manufacture of a new republic which signs away territory before there is a duly elected government to represent it. The existence of the Colombian debt enables us to make a strong and effective protest, which can hardly be ignored. Panama must accept her proportion of the Colombian debt, and the United States should also accept the proportion attaching to the strip of territory over which she obtains absolute sovereignty.

Ten miles of it that is worth all the balance of the department or territory of Panama. An awful debt threatens us.

The United States has followed "the good old rule, the simple plan, that he should take who has the power;" but there are consequences which follow such unblushing annexations. The first and most obvious consequence is acknowledgment of the burdens and obligations attached to the territory that has been seized. For, despite the ostentatious formality of a treaty, there is no denying that the strip of territory has been annexed in virtue of the presence of the United States ships of war on both coasts of the new Republic.

The $10,000,000 gives the deal the appearance of purchase and sale, but the sale has been made under duress. It will hold good none the less, the United States being powerful enough to maintain the bargain against any probable interference.

It is for our Government to insist that a trifling degree of regularity should be introduced ere we recognize the transaction and the party of the second part created ad hoc. When Panama formally and solemnly accepts her share of the Colombian debt it may be time enough for British recognition. Possibly the excuse may be offered that there is yet no popularly elected government to undertake such obligations; but if Panama can sell her birthright and surrender her geographical advantages to the United States she can with equal validity acknowledge the burdens attaching to the soil. Panama can not have the power to alienate her assets unless she has the power to accept her debts.

The United States has seen to it that Panama should hurriedly sell her only asset of value. Perhaps Washington will be equally diligent in enforcing attention to the debt. Washington can do as it pleases with Panama—endow her with a revolution and deprive her of her only possession. Therefore it is to Washington that representations regarding the debt can most suitably be made. If there is a ghost of honest intention in regard to the whole business, the United States can not refuse to enforce and secure the interests in Panama of the Colombian bondholders. Colombia has been pillaged because she had no power and no friends; but it does not follow that Great Britain should allow her citizens' interests to be sacrificed because the United States is in a hurry to build a "neutral" canal.

Mr. President, if the remarks of that great, controlling financial journal that looks at all questions with a cool, impartial eye shall go into the record and the history of the United States as the truth or as a presentation in advance of consequences that are to follow, we have got to fight Great Britain on account of this treaty or else we have got to be disgraced, unless we guarantee to the creditors of Colombia that Panama shall set apart a just proportion of the $10,000,000 we are to pay her for the debts that Colombia owes to her European bondholders, rather than repudiate that debt it is better that we should not assume it.

EXECUTIVE SESSION.

Mr. CULLOM. If there is no other Senator desiring to go on to-night, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session, the doors were reopened, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until tomorrow, Thursday, December 10, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 9, 1903.

INDIAN AGENT.

Ira A. Hatch, of South Dakota, whose term will expire December 19, 1903, to be agent for the Indians of the Cheyenne River Agency in South Dakota. (Reappointment.)

REGISTER OF LAND OFFICE.

Lee Stover, of South Dakota, whose term will expire December 20, 1903, to be register of the land office at Watertown, S. Dak. (Reappointment.)

PROMOTIONS IN THE NAVY.

Lieut. Commander Albert B. Willits to be a commander in the Navy from the 11th day of October, 1903, vice Commander James M. Helm, promoted.

Lieut. (Junior Grade) David F. Boyd to be a lieutenant in the Navy from the 11th day of October, 1903, vice Lieut. Harry G. Leopold, promoted.

Midshipman Luke E. Wright, jr., to be an ensign in the Navy from the 15th day of April, 1903, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

ARKANSAS.

Joel M. McClintock to be postmaster at Devall Bluff, in the county of Prairie and State of Arkansas. Office became Presidential April 1, 1903.

Owen J. Owen, jr., to be postmaster at Conway, in the county of Faulkner and State of Arkansas, in place of Joseph P. Balmat. Incumbent's commission expires December 14, 1903.

Edward S. Parnell to be postmaster at Junction, in the county of Union and State of Arkansas, in place of Edward S. Parnell. Incumbent's commission expires December 14, 1903.

Nannie H. Savage to be postmaster at Monticello, in the county of Drew and State of Arkansas, in place of Nannie H. Savage. Incumbent's commission expires December 14, 1903.

Fidelles B. Schooley to be postmaster at England, in the county of Lonoke and State of Arkansas. Office became Presidential October 1, 1903.

CALIFORNIA.

Harry E. Meyers to be postmaster at Yuba City, in the county of Sutter and State of California, in place of Harry E. Meyers. Incumbent's commission expires December 19, 1903.

COLORADO.

Charles T. Wade to be postmaster at Buena Vista, in the county of Chaffee and State of Colorado, in place of Charles T. Wade. Incumbent's commission expires December 19, 1903.

GEORGIA.

Richard W. Tindall to be postmaster at Jesup, in the county of Wayne and State of Georgia. Office became Presidential April 1, 1903.

ILLINOIS.

Putnam Beckwith to be postmaster at Wenona, in the county of Marshall and State of Illinois, in place of Putnam Beckwith. Incumbent's commission expires December 13, 1903.

David F. Wilcox to be postmaster at Quincy, in the county of Adams and State of Illinois, in place of David F. Wilcox. Incumbent's commission expires December 13, 1903.

INDIANA.

Floyd E. Farley to be postmaster at Crown Point, in the county of Lake and State of Indiana, in place of Floyd E. Farley. Incumbent's commission expires December 13, 1903.

INDIAN TERRITORY.

Frederick W. Galer to be postmaster at Nowata, in the Cherokee Nation, Indian Territory. Office became Presidential July 1, 1903.

IOWA.

Simon D. Breuning to be postmaster at Ackley, in the county of Hardin and State of Iowa, in place of Simon D. Breuning. Incumbent's commission expires December 13, 1903.

Charles F. Le Compte to be postmaster at Corydon, in the county of Wayne and State of Iowa, in place of Charles F. Le Compte. Incumbent's commission expires December 13, 1903.

Edward Madigan to be postmaster at Clarksville, in the county of Butler and State of Iowa, in place of Edward Madigan. Incumbent's commission expires December 19, 1903.

Edward A. Snyder to be postmaster at Cedar Falls, in the

county of Black Hawk and State of Iowa, in place of Edward A. Snyder. Incumbent's commission expires December 13, 1903.

Benjamin C. Wise to be postmaster at Cascade, in the county of Dubuque and State of Iowa, in place of Benjamin C. Wise. Incumbent's commission expires December 13, 1903.

KANSAS.

Harry C. Achenbach to be postmaster at Clay Center, in the county of Clay and State of Kansas, in place of Harry C. Achenbach. Incumbent's commission expires December 12, 1903.

Henry W. Conrad to be postmaster at Independence, in the county of Montgomery and State of Kansas, in place of Edwin Foster, resigned.

KENTUCKY.

Sherod Stanfill to be postmaster at Williamsburg, in the county of Whitley and State of Kentucky, in place of Sherod Stanfill. Incumbent's commission expired February 16, 1902.

MARYLAND.

M. W. Thomas to be postmaster at Chestertown, in the county of Kent and State of Maryland, in place of Marcelene Lucas. Incumbent's commission expires December 19, 1903.

MICHIGAN.

Burton F. Browne to be postmaster at Harbor Beach, in the county of Huron and State of Michigan, in place of Burton F. Browne. Incumbent's commission expires December 13, 1903.

MISSOURI.

Charles Casper to be postmaster at Belton, in the county of Cass and State of Missouri, in place of Abraham M. Johnson. Incumbent's commission expired February 14, 1903.

MONTANA.

J. E. Sheridan to be postmaster at Bigtimber, in the county of Sweet Grass and State of Montana, in place of Leon C. Olmstead. Incumbent's commission expires January 8, 1904.

NEBRASKA.

James McNally to be postmaster at Edgar, in the county of Clay and State of Nebraska, in place of James McNally. Incumbent's commission expires December 19, 1903.

NEW JERSEY.

George W. Cooper to be postmaster at Somerville, in the county of Somerset and State of New Jersey, in place of George W. Cooper. Incumbent's commission expires December 12, 1903.

James L. Hays to be postmaster at Newark, in the county of Essex and State of New Jersey, in place of James L. Hays. Incumbent's commission expires December 12, 1903.

NEW YORK.

George B. Harmon to be postmaster at Brockport, in the county of Monroe and State of New York, in place of George B. Harmon. Incumbent's commission expires December 13, 1903.

Warren J. Martin to be postmaster at Port Chester, in the county of Westchester and State of New York, in place of James S. Merritt, resigned.

NORTH DAKOTA.

J. L. Killion to be postmaster at Towner, in the county of McHenry and State of North Dakota, in place of Gilbert Helgeland, resigned.

OHIO.

Charles C. Dewstoe to be postmaster at Cleveland, in the county of Cuyahoga and State of Ohio, in place of Charles C. Dewstoe. Incumbent's commission expires December 12, 1903.

OKLAHOMA.

W. T. Judkins to be postmaster at Mountain Park, in the county of Kiowa and Territory of Oklahoma. Office became Presidential April 1, 1903.

PENNSYLVANIA.

William F. Heidenreich to be postmaster at Sheridanville, in the county of Allegheny and State of Pennsylvania. Office became Presidential October 1, 1903.

TENNESSEE.

R. C. Couch to be postmaster at Bellbuckle, in the county of Bedford and State of Tennessee, in place of John B. Stong, resigned.

VERMONT.

Harlow C. Ayer to be postmaster at Richford, in the county of Franklin and State of Vermont, in place of Harlow C. Ayer. Incumbent's commission expires December 19, 1903.

Henry J. Fisher to be postmaster at Morrisville, in the county of Lamoille and State of Vermont, in place of Henry J. Fisher. Incumbent's commission expires December 19, 1903.

Charles E. Hall to be postmaster at Swanton, in the county of Franklin and State of Vermont, in place of Charles E. Hall. Incumbent's commission expires December 19, 1903.

Edward J. Tyler to be postmaster at Enosburg Falls, in the county of Franklin and State of Vermont, in place of Edward J. Tyler. Incumbent's commission expires December 19, 1903.

WASHINGTON.

Harry C. Bilger to be postmaster at Clealum, in the county of Kittitas and State of Washington. Office became Presidential October 1, 1903.

William P. Ward to be postmaster at Rosalia, in the county of Whitman and State of Washington. Office became Presidential October 1, 1903.

WEST VIRGINIA.

Robert S. Lovelace to be postmaster at Ronceverte, in the county of Greenbrier and State of West Virginia, in place of Robert S. Lovelace. Incumbent's commission expired May 28, 1902.

WISCONSIN.

George W. Burchard to be postmaster at Fort Atkinson, in the county of Jefferson and State of Wisconsin, in place of George W. Burchard. Incumbent's commission expired May 28, 1902.

August J. Seeman to be postmaster at Boscobel, in the county of Grant and State of Wisconsin, in place of Frederic A. Meyer. Incumbent's commission expires December 14, 1903.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 9, 1903.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read, corrected, and approved.

COMMITTEE ON THE CENSUS.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on the Census be authorized to have printed and bound such papers and documents for the use of said committee as it may deem necessary in connection with subjects considered or to be considered by said committee during the Fifty-eighth Congress.

Mr. PAYNE. I would like to ask the gentleman if it is necessary for this committee to have this at this time? I had supposed that the Committee on the Census would have no large amount of business.

Mr. CRUMPACKER. If the Committee on the Census has no business it will have no printing to do. It will probably have some, perhaps not a great amount. It may be in the judgment of the committee that some of the statements before the committee ought to be printed. If not, they will not be printed and the resolution will carry no expense with it.

Mr. PAYNE. It seems to me, Mr. Speaker, that the committee ought to wait until the emergency arises. I want to say that I think this whole thing ought to be settled by a rule. Some committees are entitled to have printing done as a matter of course, but it seems to me that whenever a resolution comes in for additional printing it ought to go to some committee, say the Committee on Rules, or some other important committee of the House.

As I was saying, Mr. Speaker, it seems to me there ought to be some general rule on this subject allowing such committees as will undoubtedly have necessity for printing and binding to have printing and binding done without an express order of the House; but if any additional committees desire such privilege, resolutions for that purpose should go to some appropriate committee, the Committee on Rules or some other committee, to be examined and reported upon to the House. Now, here is a resolution providing for printing, which the gentleman from Indiana [Mr. CRUMPACKER], who introduces it, says that the committee does not need just now, has no pressing present necessity for, but may want at some time in the future. I suggest to him that at some future time, when the necessity may exist, he can bring in his resolution, and personally I shall have no objection to it if he should then state that the work is necessary to be done for the committee. But it seems to me that now I shall have to object under the statement made by the gentleman.

Mr. CRUMPACKER. Allow me to make a statement before the gentleman interposes an objection.

Mr. HAY. I object.

The SPEAKER. Objection is made.

DISTRIBUTION OF THE PRESIDENT'S MESSAGE.

Mr. PAYNE. I am directed by the Committee on Ways and Means to report back with an amendment House resolution 71, for the distribution of the President's message.

The Clerk was proceeding to read the resolution, when

Mr. PAYNE said: I do not desire to have the resolution read now, but simply the subject announced.

The SPEAKER. Perhaps the resolution had better be reported.

Mr. PAYNE. My idea, Mr. Speaker, was that the House should